

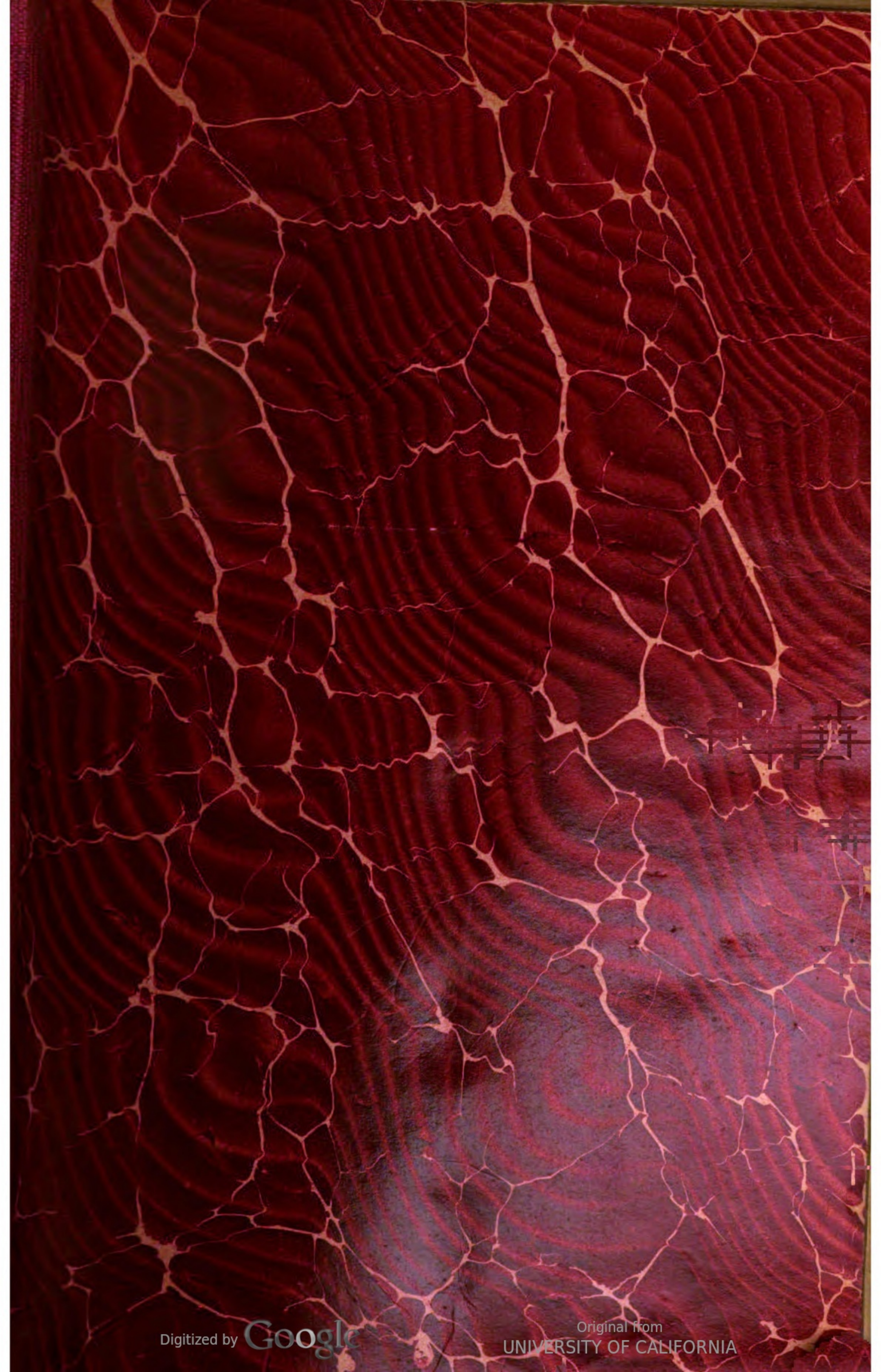
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THE SCOTTISH HISTORICAL REVIEW

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Volume Seventh



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OCTOBER 1909

The Appointment of Bishops in Scotland during the Medieval Period

IT is not proposed to enter here on the difficult task of investigating the nature of the appointment of Bishops in Scotland during the Celtic period. We are concerned with constitutional questions as they emerged from time to time from the death of Malcolm Ceanmore down to the middle of the sixteenth century, that is, during the period of some four centuries and a half preceding the Reformation.

Some uncertainty exists as to the character of episcopal elections during the transition from Celtic to Anglo-Norman methods of procedure ; but after this borderland of debatable ground has been traversed, we find the method of the election of Bishops by the Chapters of their respective Cathedrals well established, and, with certain exceptional cases to be noticed hereafter, holding its recognized place for many years. Gradually, however, by steps which will be traced by-and-by, the rights of the Chapters came to be in fact ignored, and the appointments to bishoprics—and, indeed, to many other ecclesiastical offices of dignity or emolument—were made at the will of the Pope, though ordinarily not without a discreet regard for the wishes of the king, and eventually largely at his nomination.

At the date of Malcolm's death (1093) episcopal jurisdiction was, at least in theory, exercised over the whole of the dominions of the king of Scots by a Bishop, whose seat was at Kilrymont or St. Andrews, and who was known as 'Episcopus Scottorum.' Indeed, long after the establishment of various dioceses, the

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Bishop of St. Andrews, though at that time possessing no jurisdiction over any diocese other than his own, still continued to use that ancient and honourable title.¹

In the first year of the reign of Alexander, son of Malcolm (A.D. 1107), we learn, on the authority of Eadmer, that 'with the approbation of his *clergy* and *people*,' the king made choice of the English monk, Turgot, Prior of Durham, to fill the vacant bishopric of St. Andrews. On the death of Turgot the see remained vacant for some years. Difficulties of various kinds, chiefly connected with rival claims made by York and by Canterbury to metropolitan jurisdiction over Scotland, which do not concern our immediate inquiry, were the cause of this delay. Eventually Eadmer himself, a monk of Canterbury, to whom we are indebted for most of our information as to these transactions, was appointed, to use his own language, '*eligente eum clero et populo terrae, et concedente rege.*'²

Want of fuller evidence makes it impossible to understand, with anything like precision, what were the actual facts which Eadmer represented when he writes of himself as being 'elected by the clergy and people of the land.' It would be hazardous to infer that anything more than an approval of the royal nomination was allowed to the lay people. We may conceive the king suggesting a name in an assembly of his councillors, lay and clerical—the magnates of the kingdom—and the king's nominee being approved by acclamation or otherwise. Such a conception, at all events, falls in better with what seems to have been the usage in England during the later Anglo-Saxon period than any more formal process of election. The question, however, is too much involved in obscurity to allow of a more definite conclusion.

The account of the election of Waltheof, Abbot of Melrose, to fill the see of St. Andrews on the death of Bishop Robert (1158) exhibits another trace of a voice, of some kind, being given to the people in the appointment of their Bishops. In Bower's narrative we read of 'the petition of the people, the election of the clergy, and the assent of the princes' concurring in the choice.³ But, again, the language is too vague to allow us to form a definite conception of what occurred.

¹ We find the seals of Bishop Robert (1126), Arnold (1158), Richard (1163), Roger (1188), and William de Malvoisin (1202), bearing the legend, *EPISCOPVS SCOTTORVM*. The seal of William de Lamberton (1298) reads *EPI: SCTI: ANDREE*, and the expression *Episcopus Scottorum* does not appear, I think, at a later date than that of Malvoisin.

² *Hist. Nov.* iv.

³ *Scotichr.* vi. c. 25.

Again, in 1174 when Jocelin, Abbot of Melrose, was appointed to the see of Glasgow, it was, according to the *Chronicle of Melrose*, an election 'a clero, a populo exigente, et rege ipso assentiente.' And as late as 1235 we have the same authority for the election of Gilbert to the see of Candida Casa 'by the clergy and people.'

I am disposed to think that the expressions cited above afford an example of the survival of an old technical formula, persisting for a while in a condition of things which the language does not represent with accuracy. Such survivals are familiar in legal phraseology. And in things ecclesiastical we have just seen an example in the survival of the term *Episcopus Scottorum*, as retained for a while by the Bishop of St. Andrews after his jurisdiction was confined to only one diocese out of many. The Bishop of Rome himself was said to be elected by the clergy and people of Rome for some considerable time after the people's voice was, for all practical purposes, silenced. It was not till the latter half of the eleventh century that the Cardinal Bishops took the initiative in the election; and for a period after that time the assent of the clergy and people of Rome was sought, at least in form. Again, language of the same kind as that which we find in the Scottish records may be found in the English chroniclers at a time when practically the appointment to bishoprics resolved itself into a royal nomination.¹ And certain ancient ecclesiastical *formulae* exhibit the same kind of language. In the formula announcing the election of one of his suffragans to the Archbishop of Canterbury, the letter is addressed to the Metropolitan by 'the clergy and people.' Even in the appointment of the Archbishop himself the 'clergy and people' are said to concur in their *vota*² (from 1093 to 1114).

In this connexion I would call attention to the fact that, in some of our early Scottish charters, granting or confirming pre-

¹ Thus, in the *Historia de statu Ecclesiae Dunelmensis*, by Geoffry, Sacrist of Coldingham, we find that the election of Hugh to the bishopric of Durham in 1153 was 'cleri et populi consensu agnito.' Again, in the continuation of the *Chronicle of Florence of Worcester* (*sub anno* 1139), we read that Maurice was elected 'by the clergy and the people' to the Church of Bangor, and presented to the king by the Bishops Robert, of Hereford, and Sigefrid, of Chichester. 'These made oath that he had been canonically elected . . . and the King confirmed their election.' The 'assent' of the clergy and people is claimed by the same author (*s. a.* 1128) for the appointment by the king of Gilbert, Bishop of London.

² *Anglia Sacra*, i. 82.

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vious grants of lands and privileges, an expression is to be found that bears a considerable resemblance to some of those which we have been considering. Thus, in the charter granted by David I. to the Church of the Holy Trinity at Dunfermline, he confirms the widely extended possessions of that church, 'with the confirmation and testimony of the Bishops, Earls and Barons of my kingdom,' adding the words 'clero etiam adquiescente et populo' (between 1124 and 1127: *Registrum de Dunfermlyn*).

The same formula will be found in the foundation charter of Holyrood Abbey; and as late as 1154 Malcolm IV. uses similar language in confirming the Abbey of Dunfermline in its possessions.¹

It seems obvious that in the cases cited the 'assent of the people' must be understood as given in some vague and indefinite manner, if indeed given at all.

The case of the see of St. Andrews is peculiar and exceptional. Whether the community of Keledei settled at that place had, as such, a right to a distinctive voice in the election of the Bishop of that see, it is impossible to say; but the fact that after the establishment of the Priory of Austin Canons at St. Andrews (which came to serve as the Chapter of the Cathedral of that see) the Keledei were for a long period allowed a voice, together with that of the Cathedral Chapter, in the election of the Bishop, raises a presumption that this concession allowed to the Keledei (if we are not justified in speaking of it rather as a right) had its origin in a recognition of the privileges possessed by that ancient Celtic community in the times preceding the introduction of the Anglo-Norman ecclesiastical system.

One thing is certain; it was not till the year 1273 that the Keledei ceased to be permitted to have a voice in the election of the Bishops of St. Andrews, together with that of the Canons, who formed the Chapter of the Cathedral. Their right, indeed, was questioned; but as a matter of fact two of their number had (at the request of the king) been allowed to take part in the election of David de Bernham (1239); and two had (also at the instance of the king) taken part in the election of Gamelin (1254) under protest; but Pope Alexander IV. declared that these permitted acts of the Keledei were not to create a prejudice to the rights of the Chapter.² The Canons-Regular of St. Augustine were settled at St. Andrews in 1145. Two years later Pope

¹ See *Acts of Parliament (Scotland)*, vol. i. pp. 358, 363.

² Theiner, *Monumenta*, p. 67.

Eugenius III. confirmed the privileges granted them at their establishment, and expressly recognised their right to elect the Bishops of St. Andrews, making no mention of others. Yet it was not till close on one hundred and thirty years later that the Keledei were finally excluded from their privilege of having a voice in the election of the Bishop. On what plea the arrangement, which had lasted for so many years, between the old and new foundations was brought to an end, we are not informed; but it is plain from Fordun and the documents in Theiner's collection that the Keledei did not submit without a struggle. We find their provost (*prepositus*), William Cumyn, visiting Rome in person in 1297 to prosecute an appeal against their exclusion. The appeal, indeed, met with no success. Yet they still continued to make ineffectual protests at subsequent elections, till in 1332 they seem to have finally abandoned the futile contest. In truth, if we accept the authenticity of the bull of Eugenius III., which perhaps there is no good reason to question, it is impossible to doubt that the Canons-Regular had (in view of their rights) been acting a generous part in taking the Keledei into consideration at all. One may regret the extinction of such an ancient community as the Keledei of St. Andrews, but it must be acknowledged that they were not treated with the hasty violence that too often marks the action of bodies of men on whom the powers previously possessed by others had been conferred.

After Cathedral Chapters had been erected, which seems to have everywhere taken place together with the creation of the new Dioceses in the twelfth century, the ordinary and canonical rule to be followed in the appointment of Bishops was that the election lay with the Chapters of the respective Dioceses. The only exceptions, and that only for a time, were the Dioceses of Argyll, and, possibly, Galloway. These two exceptional cases will be noticed hereafter. Permission (*licentia*) to proceed to an election was ordinarily sought and obtained from the king, and his 'assent' was afterwards asked to the result. In all cases the election had to be *confirmed* by the Pope.

The order of procedure for an election by the Chapter was strictly regulated by the Canon Law, and any departure from that order might involve a declaration (when the election was submitted to the Pope for confirmation) that the election 'had not been canonically celebrated,' and was therefore null. The order of procedure may be sufficiently described as follows: A day for

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the election was fixed; all those who had a legitimate concern in the election were duly summoned. When the day arrived and the electors were gathered together in one place the mass of the Holy Ghost was celebrated, and the aid of God, the Holy Ghost, was solemnly invoked.¹ At this stage three courses were possible. These were very strictly prescribed by the Fourth Council of Lateran, and any departure from the canonical modes of election was punished by the forfeiture of the right of electing for that turn.²

The names given to the three modes of election are (1) election *per scrutinium*, (2) election *per compromissum*, and (3) election *per inspirationem*, or, as it was sometimes called, *per viam Spiritus Sancti*. And, as we shall see, examples of all three are to be found in Scottish record.

The order to be followed in the case of an election 'per scrutinium' was that the Chapter, after a general discussion of the question, should choose three trustworthy members of their own body, who were to take the votes of every member of the Chapter one by one. Each vote was given secretly, but was recorded in writing by the three Examiners, or 'Scrutatores,' as they were styled. When the Examiners had counted and compared the votes, they announced the result.

The Canon Law enjoined that he was to be declared elected who had obtained the votes of the 'greater and sounder part' (*major et sanior pars*) of the Chapter. Ordinarily, it was presumed that the *major pars* was also the *pars sanior*.³ But the words 'et sanior' obviously opened a door for dispute; and examples are to be found where the vote of the majority was set aside as not complying with the requirement thus implied.

The second mode of election, sanctioned by the Canon Law, was by the whole body of the electors committing the choice to

¹ Probably, as at Canterbury, 'per decantationem hymni, "Veni Creator."'

² See Mansi's edit. of *Labbe and Cossart*, Tom. XXII. col. 1011.

³ The formula used in Papal briefs when directing one or more Scottish Bishops to make enquiries, before the confirmation of an election, 'de electionis modo, *eligentium studiis*, et electi meritis' seems to point in the direction of weighing as well as counting votes. See *Theiner*, No. xix. That this was the case we learn from a particularly interesting little treatise written in England in 1254 by Laurence de Somercotes, a Canon of Chichester and Sub-deacon of the Pope. This little work has been lately printed by Canon Christopher Wordsworth in his introduction to the *Lincoln Statutes*, Part ii. cxxv.-cxlii. It describes at length the mode of proceeding in the election or postulation of Bishops.

certain persons, either of their own body or of outsiders, or to some of their own body, conjoined with one or more outsiders. This mode of election was said to be by arbitration, or, technically, 'per viam compromissi,' and the persons delegated to make the choice were styled 'compromissarii.' It seems to have been a frequent mode of procedure, and we find several examples of it in our Scottish history.

The third mode of election was said to be 'by inspiration.' This expression was made use of when the universal concurrence of the whole body of electors was manifest, and when, without any debate or discussion, the name of some one proposed was accepted by acclamation, and as if by the immediate suggestion of the Divine Spirit (*per viam Spiritus Sancti*).

We shall have occasion to notice examples of each of these various modes of election later on. But it will be of service to explain at this point an expression that we often meet with in our historians. We frequently read of this or that person being *postulated* for a bishopric. This term always implies that there existed some canonical impediment or restriction, which, unless dispensed by the proper authority, barred the person chosen from taking office. Thus, if an ecclesiastic was of illegitimate birth, he could not, according to the Canon Law, be elected to a bishopric. In the case of the choice of the Chapter falling on such, he was not said, technically, to have been 'elected' (for they could 'elect' only one who was 'eligible'); but the Chapter petitioned (or, technically 'postulated') the Pope to dispense with the canonical restriction in that particular case. Again, if, as was not uncommon, the choice of the Chapter fell on the Bishop of another see, who had proved his fitness by his administration of another diocese, he could not be 'elected,' but it was necessary to 'postulate' him, that is, to petition the Pope that the man of their choice might be dispensed from the canonical impediment which arose from the tie, which, according to the theory of the Canon Law, bound him to the diocese to which he had been formerly appointed. A Bishop was regarded as having been 'married' to his diocese; and it required a dispensation to release him from the bond thus formed.¹ Again, if the choice of the Chapter pointed to a monk, it was necessary to postulate him from his 'superior in religion,' to whom he had vowed obedience. Once more, the canonical rule was that no one could be elected to a bishopric who was under thirty years of age. Accordingly,

¹ See Van Espen, Pars I. tit. xv. cap. 6.

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again, there was need of a postulation in the case of the choice of the Chapter falling on one under the canonical age.

Whether by the process of canonical election, or of postulation, an expression was given to the wishes of the Chapter. But at an early period, within the limits we have assigned to ourselves, we find a growing disposition on the part of the Pope to take the appointments to bishoprics and other offices of emolument and influence in Scotland practically into his own hands. We find a growing practice of the Pope 'providing,' as it was technically called, to Scottish bishoprics, that is, appointing to them *proprio motu*, though generally not without regard to the known wishes of the electoral body or of the king. A feeling of resentment at what seemed very much like a usurpation of rights recognised by the common law of the Church is apparent in the language of Walter Bower, Abbot of the monastery of Inchcolm, in the Forth, the continuator of Fordun. Writing of Pope John XXII. conferring the bishopric of St. Andrews (1328) on James Bene, Archdeacon of St. Andrews, before a knowledge of the result of the election by the Chapter had reached Rome, Bower says the Pope seems to have reserved to himself the appointment to all the bishoprics of the world.¹

As is well known to students of English Constitutional Law, the grievance of Papal 'provisions,' with the consequent interference with the freedom of elections, was keenly felt in England. The outcome was the great Statute of Provisors (25 Edw. III. c. 4), enacted by Parliament in 1351. It was thereby declared that if the Pope collated to any archbishopric, bishopric, dignity, or benefice, to the prejudice of free elections, or presentations, the patronage was to be forfeited to the Crown. And further, any person who had procured a 'provision' from the Pope, to the disturbance of free elections, was to be arrested, together with his procurators and notaries, and imprisoned till he had satisfied the fine imposed by the king.² The Statute of Provisors was followed up the next year by an ordinance declaring the purchasers of Papal 'provisions' to be outlaws. In 1390 another Act was passed by Parliament strengthening the earlier statute.

In Scotland, although there were not wanting some instances of courageous resistance to the exercise of legatine powers without

¹ 'Qui quasi omnes episcopatus mundi ad collationem suam reservavit.' *Scotichr.* lib. vi. cap. 45.

² The person who had obtained such a writ of appointment from the Pope was styled in England a 'provisor.'



the sanction of the king, there was no steady and continuous policy of resistance to Papal 'provisions' and the interference with the freedom of elections. It was not till towards the close of the fifteenth century that we find the Parliament of Scotland (as we shall see) declaring against Papal 'provisions' to benefices which were regarded as belonging to the patronage of the king during the vacancy of a bishopric. But as regards the appointments to bishoprics, it is remarkable how little opposition was made to the claims of Rome. Indeed, the most noteworthy example of resistance to Rome on the part of the Crown in the earlier period was the unhappy case of the attempt of King William to force a nominee of his own on the Chapter of St. Andrews after the free election by them of another. In this case the Pope, Alexander III., who had vigorously supported Becket in his contest with Henry II., acted a similar part in his support of John the Scot, the elect of St. Andrews. And in this case it was the king, and not the Pope, who opposed the free election of the Chapter.

Before proceeding to illustrate the general principles with respect to the appointment to bishoprics by the examination of particular examples, it will be well to say something of the Papal 'confirmation' required before any election could be effective. After a choice had been made by the Chapter, two or three of its members were commonly despatched to Rome, bearing the writ, or, as it was technically styled, 'the decree,' reporting the election, or, in the case of a postulation, a request together with a declaration setting forth in express terms the nature of the impediments to a canonical election, such as 'defect of birth,' occupation of another bishopric, or anything else that required dispensation. If any persons were disposed to raise any objection, whether on account of alleged irregularity in the procedure or the alleged unfitness of the person elected or postulated, they too had to appear at Rome, either in person or by duly authenticated procurators. After a preliminary examination of the documents, ordinarily committed to some members of the College of Cardinals, it was not uncommon in the earlier period for the Pope to remit to three Scottish Bishops¹ to investigate on the spot whether the procedure of the election had been canonical, and

¹ In 1218 Honorius III. committed to the Bishop of St. Andrews alone to inquire as to the regularity of the election, and the fitness of Gregory, Bishop-elect of Brechin, and if satisfied, to confirm the election 'auctoritate nostra.' *Theiner*, No. XIX.

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whether the elect was fit (*idoneus*). If all proved satisfactory, the Bishop-elect was then required to subscribe the oath of fealty to the Pope. If the later stages of the inquiry were conducted in Scotland, the three Bishops were authorised, if satisfied, to confirm the election 'in the name of the Pope,' and directed to provide that the elect should be duly consecrated.

When the Pope refused to confirm an election, it was not the practice to state the reason, except in very general terms, as, for example, that the election had 'not been canonically celebrated'; and from this decision there was, of course, no appeal. As it was not uncommon for the Pope in such cases to claim the right of appointment, there was, to say the least, a strong temptation to find some technical irregularity in the procedure.

We are now in a position to understand the actual cases which I am about to cite, taken from the records preserved in the Vatican, and made known to the world through Theiner's *Monumenta*.

From the time of the establishment of the several Cathedral Chapters down to the Reformation we can distinguish two periods, though not marked off with exact precision from one another, in respect to the appointment of Bishops. An analysis of the Papal bulls relating to the appointment of the Scottish Bishops shows us that from the year 1218, which is the date of the first of the bulls in Theiner's collection, down to the close of the pontificate of Clement V. (1314) the elections, or postulations, of Bishops made by the Cathedral Chapters were respected at Rome, and ordinarily confirmed, or given effect to. Nor is there any reason to doubt that previous to 1218, from the time of the erection of the Chapters, the same system, which represented the Common Law of the Church, generally prevailed. But a new era may be said to begin with John XXII. (1316).¹ From that time, with rare exceptions, the Popes claimed to have 'reserved' to their own appointment, or 'provision,' as it was styled, all the bishoprics, and indeed, one may add, all elective offices and dignities of value, such as deaneries and the headships of the monastic houses. This was a great revolution. In England it was met, as has been observed, by such enactments as the several Statutes of Provisors. On the Continent, also, there was much discontent; and what was regarded as the Papal usurpation of

¹ There are a few cases of direct Papal appointment previous to the accession of John XXII. After the death of John XXII. his successor, Benedict XII., confirmed a few canonical elections.

ecclesiastical patronage formed a constant ground of angry complaint. Among the many loud demands for ecclesiastical reform, which rang through the nations of Europe towards the close of the fourteenth century, the cry for the restoration of the freedom of election was one of the most distinctly formulated. At the Council of Constance (1414-1415) several prelates, more particularly those from France, protested against the manner in which the right of election had been abrogated by the system of Papal 'reservations and provisions.' In Scotland, however, I cannot detect till towards the close of the fifteenth century more than some rather indistinct murmurings. And I think one can offer a reasonable conjecture why discontent did not reach a very acute stage. Whether it was due to the lessons taught by the vigorous action of the State in England, or to some other cause, the Pope, while technically holding capitular elections, in the case of 'reserved' sees, to be null and void, nevertheless, as a rule, appointed, as it were *proprio motu*, the person on whom the Cathedral Chapter had (invalidly, according to the Papal judgment) fixed their choice. For it is curious and interesting to find the Chapters continuing to go through the process of election, with all its formalities strictly observed. Again and again, long after the system of Papal 'reservations' had been well established, we find the Papal briefs assuming that the elections were made in ignorance of the reservations which the Pope had made. On the ground of ignorance of the fact that he had 'reserved the see to his own disposal,' that is, had resolved himself to provide his own nominee for the bishopric at the next vacancy, the Pope condones the offence of the Chapter, and of the elect, who had assented to the election, and proceeds, as it were of his own motion, to appoint the very person whom the Chapter had chosen. Although the election was declared null and void, the electors, at all events in Scotland, were ordinarily granted to have as their Bishop the person whom they had chosen. In theory the rights of the Chapters were set at nought; in actual fact their choice was generally made good. Hence, we may conjecture, they felt little disposition to enter on what might prove a vexatious and fruitless controversy.

After 1371 the documents in Theiner's *Monumenta* fail us as regards the appointment to bishoprics. But it would seem from Fordun—or, to be accurate, his continuator Bower—that the Pope from time to time made appointments where no election had been attempted. Indeed we find that although Gilbert

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Greenlaw, Bishop of Aberdeen, was postulated to St. Andrews, Henry Wardlaw is made Bishop of St. Andrews 'ex provisione domini Benedicti XIII.' Wardlaw's successor, Kennedy, was elected, we are told, 'by the way of the Holy Spirit,' or 'by inspiration' (an expression already explained). But before the decree of the election reached the Pope, he had himself 'provided' Kennedy to St. Andrews.

The exact nature of the appointment, towards the close of our period, of James Stewart, Duke of Ross, second son of King James III. and Margaret of Denmark, to the metropolitan see of St. Andrews in 1497, is not apparent. It was certainly at the instance of the king, though I am unaware whether the *form* of postulation by the Chapter was gone through. But, whether it was or was not, the Pope would no doubt assert his claim to appoint. As the Archbishop was only a youth, much below the canonical age at the date of his appointment, it was necessary that he should receive a dispensation from the Pope to hold even the revenues of the see as administrator. He was never consecrated. The successor of this prelate, Alexander Stewart, natural son of James IV., was appointed by Papal provision. Two dispensations were necessary in his case—one on the ground of bastardy, and the other on the ground of his not having reached the canonical age, for he was only a boy. It will be remembered that Alexander Stewart, though commonly styled 'Archbishop,' was appointed by the Pope only as 'administrator' of the archbishopric till he reached the age of 27, when he was to be provided in the fullest manner to the see. He fell at Flodden several years before the time designed for his consecration. Long before the Popes had assumed the right of appointing to bishoprics in general, they had asserted their right to provide to the principal metropolitan sees.

We may now revert to the earlier period, when the Common Law of the Church had not yet been very seriously invaded by the system of provisions, and examine the actual practice of the Scottish Church in the matter of Episcopal elections.

In the early period I have observed only one example of an election 'by inspiration.' This was the case of Andrew, a Dominican friar, whose election to the see of Argyll was confirmed by Boniface VIII. in 1298. The popularity of anyone among the members of the electoral body must of necessity have been very marked when, without any discussion (for this was essential, according to the Canonists), a general cry was raised on his

behalf, and no dissentient uttered his voice.¹ Of this Andrew, so elected, we know nothing. But in the case of Bishop Kennedy, of St. Andrews, in the second period, of whom it is also said that he was elected 'by inspiration,' one knows enough of his merits to mitigate our surprise.²

Of the other elections of Bishops during the early period, we find a very few conducted 'per scrutinium,' that is, by a poll of the whole body of electors. The great majority followed the method already described and known as 'per compromissum.' A disputed election carried on among members of the same community, living, many of them, within the same Cathedral close, or even, as in the case of St. Andrews and Whitherne, within the same building, if we know anything of human nature, must have often gendered a very unedifying strife. It could not fail to mitigate the evil when the electors were willing to delegate the right of choice to a few persons whom they all agreed in trusting.³ At any rate, the method of electing 'by compromise' was the favourite mode of proceeding. In 1239 the Chapter of Aberdeen conferred the power of choosing for them on four of the canons and three of the city clergy, who elected the Abbot of Arbroath.⁴ In the same year the Chapter of St. Andrews

¹ Absolute silence (for silence gives consent) on the part of the assembled Chapter after a name had been proposed was taken for assent, as in the case of the election to Norwich in 1406.

² As the elections to the headships of religious houses were conducted on the same principles, we may cite, by way of illustration, the process of election in the case of the choice of the Prioress of the Cistercian nuns of Coldstream in 1538. After due citation of all the nuns, and after the mass 'de Sancto Spiritu' had been said, the sisters, eleven in number, assembled in the Chapter-house at the sound of the bell. The hymn, *Veni Creator Spiritus*, was sung by the sisters on their knees, and then without any discussion, and with one voice, and 'as we firmly believe by divine inspiration and by the grace of the Holy Spirit,' Jonet Hoppringill was chosen.—*Chartulary of the Cistercian Priory of Coldstream*, pp. 83-87. For a detailed account of the election *per viam Spiritus Sancti* of the Abbot of Cambuskenneth in 1336, see the *Chartulary* of that abbey, No. 98. The account closely resembles that of the election of the Prioress of Coldstream.

³ In the case of an election by the monks to the office of Abbot of Arbroath, we find the electors (who were divided in opinion) at length, on the advice of the Archbishop, agreeing to confer the power of choice on a single 'compromissarius' the Prior of Fyvie. This was in 1483. *Lib. de S. Thom. de Arbr.* ii. 209.

⁴ In this, and other examples, it will be observed that the referees to whom the power of electing was delegated were of an uneven number—doubtless to avoid the hitch that might arise from each of two names obtaining equal

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appointed the Prior and four of the canons to make choice of the Bishop. They selected David de Bernham. The Chapter of Brechin followed the same course in 1245, delegating their rights to three of their number. The electoral body could determine, when appointing their referees, delegates or *compromissarii*, as they were technically styled, whether the choice which they promised to ratify should be made unanimously by the delegates, or whether they would accept as Bishop one who was chosen only by a majority of voices. In 1255 the Chapter of St. Andrews appointed nine of their own number as delegates or referees, declaring that they would accept as Bishop whoever might be chosen either by the whole of the referees or by the majority. In 1274 the Chapter of Moray chose, as *compromissarii*, the Dean and the Treasurer of the Cathedral, together with an outsider, a Canon of Caithness. In 1279 the Chapter of St. Andrews appointed the Prior, seven Canons, and the Archdeacon of St. Andrews (who apparently was not a member of the Chapter) to make their choice. In the case of the election of Matthew de Crambeth to Dunkeld (1288), the Chapter appointed from their own body only the Dean and one Canon, the other *compromissarii* being the Dean of Aberdeen, the Archdeacon of St. Andrews, and the Archdeacon of Teviotdale. As the choice of the *compromissarii* by the Chapter had to be absolutely unanimous, it would seem as if in this case there was much mistrust of one another among the members of the Chapter, since they actually chose a majority of their *compromissarii* from the clergy of other dioceses. This case is also interesting from the fact that the election resulted in the choice of one of the *compromissarii*, the Dean of Aberdeen, who was unanimously chosen by the other four referees.

Sometimes, in what may be called 'the terms of the reference,' it is *expressly* allowed to the referees to choose one of their own number. Thus, at the election (1296), 'by compromise' of Alpin, a Canon of Dunblane, to the Episcopal throne of that diocese, it was expressly stated that the *compromissarii* might make their choice either *de gremio ejusdem ecclesiae*, i.e. from among the members of the capitular body of Dunblane, or from among their

votes. In *Regiam Majestatem* (lib. ii. c. 5), dealing with arbitrators in civil affairs, we read (with a reference to Virgil's 'Numero Deus impare gaudet,' *Eclog.* 8): 'Debet autem compromitti in numerum imparem, quo numero Deus gaudet, scilicet in unum, aut in tres, et sic, de similibus'; after which the practical reason is assigned.

own number.¹ In this case the number of referees was nine, and included the four 'principales personae' of the Cathedral, the Dean, the Precentor, the Chancellor, and the Treasurer. At the election to Brechin (confirmed in 1298) the *compromissarii* were five in number, and the terms of reference were the same as in the case last mentioned.² In the same year the Chapter of St. Andrews, when appointing referees to elect to the vacant bishopric, made no such restriction as to the field from which choice was to be made; they granted 'potestatem plenam et liberam.' And the choice fell on William de Lamberton, who was at the time Chancellor of the Cathedral Church of Glasgow.³ In 1308 the Chapter of Dunblane again limited the choice of the referees, or *compromissarii*, to the members of the capitular body, expressly including the referees themselves, who on that occasion were all members of the Chapter. The choice fell on one of the referees.⁴ In at least two instances of election to the see of Glasgow (as we learn from the confirmations of 1337 and 1339) the Chapter of the Cathedral followed a similar plan to Dunblane as regards the limitation of the field of choice.⁵

Enough, perhaps, has now been said to make intelligible the method of election *per viam compromissi*. We may turn to examine a few cases of election *per viam scrutinii*, or by taking the votes of the whole capitular body.

In 1299 the Chapter of Moray proceeded to an election of a Bishop *per scrutinium*. The examiners (*scrutatores*), according to what was probably the usual order, first recorded their own votes, and then took one by one, and secretly, the votes of the other members of the Chapter. The result was that thirteen votes were found to have been given to David, one of the Canons of the Cathedral, four to the Dean, one to the Archdeacon, and three to the Chancellor. The Pope, when besought to confirm the election of David, alleged that there was a defect in the procedure, but the nature of the defect is not stated. According to

¹ Incidentally, the record of this transaction brings to our knowledge that the Abbots of Arbroath and Cambuskenneth were Canons of Dunblane by right of their office; and that the Abbot of Inchaffray (*Insula Missarum*) happened at the time to be Precentor of Dunblane. *Theiner*, No. ccclv.

² *Theiner*, No. ccclxi. ³ *Theiner*, No. ccclxii. ⁴ *Theiner*, No. ccclxxxvi.

⁵ *Theiner*, Nos. dxi. and dxliii. It is worth observing that the first of these informs us of a Bishop of Glasgow, John, not recorded by Keith in his *Catalogue*. He succeeded John de Lindsay. See *Scottish Historical Review*, vol. v. p. 206.

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a practice that came to be not uncommon, the Pope thereupon himself appointed David 'by the plenitude of the apostolic power,' on the plausible ground that he was desirous of saving the Church of Moray from the danger and loss that always attended a prolonged vacancy in an episcopal see.

A contested election, conducted *per scrutinium*, took place at Dunblane in 1301. Several names appear to have secured votes, and among them that of Nicholas, Abbot of the Benedictine Monastery of Arbroath. Nicholas thereupon proceeded to Rome, and sought confirmation of his election. None, however, of the others who had received votes, though long expected, made any appearance either in person or by their proctors. Under these circumstances a plan was followed, which was often adopted when doubts were raised as to the validity of an election—Nicholas resigned into the hands of the Pope any claims he might have to the bishopric, and was at once promoted to the see 'de apostolicae plenitudine potestatis.' It is easy to understand why election by compromise was generally preferred; and it seems to me probable that the number of elections *per scrutinium* would have been even fewer than they were but for the rule that absolute unanimity was required in the choice of the delegates to whom the power of election was to be transferred in an election *per viam compromissi*. Even one 'crank' among the members of the capitular body would be sufficient to force on an election by means of a poll of every elector.

In the case of undisputed elections, immediately upon the announcement being made of the result the elect, if present, was borne up to the great altar of the church and the *Te Deum* was sung. After this the person elected was required within one calendar month to say whether he assented or not to take office. It is common to find it said that the elect was reluctant, and only overcome by earnest intreaty. *Nolo episcopari* was the becoming attitude.

The fact that no metropolitan jurisdiction was exercised in Scotland until the year 1472, when the see of St. Andrews was raised to archiepiscopal and metropolitan dignity, will account for the constant recourse to Rome for the confirmation of elections during the earlier part of the period with which we are dealing. In England, and all other countries where metropolitans had been established, it was to the metropolitan of each ecclesiastical province that the confirmation of episcopal elections within that province pertained. This was acknowledged by all canonists to

be the Common Law of the Church. It is explicitly stated in the Decretals of Gregory IX., embodied in the *Corpus Juris Canonici*. In other countries it was not till about the time when the Popes, in effect, abolished capitular elections by the system of 'reservations' and 'provisions,' that they began to insist on confirmation being sought from them, and not from the metropolitans.¹ But in Scotland the Pope was, up to 1472, the immediate superior of the Bishops; and accordingly recourse to Rome for confirmation was well established long before it became a necessity in England.

By the time that Scotland possessed a metropolitan the appointment by Papal 'provision' was the rule. Hence we do not find, so far as I can recollect, any example of a Scottish metropolitan being called on to confirm an episcopal election. If there are examples, they must be few.

I have now to call attention to two remarkable cases. In the narrative of the election that took place at Aberdeen on the death of Bishop Gilbert Sterline, as recounted in the brief of Pope Gregory IX., dated 17th June, 1239,² we read that 'the clergy of the city of Aberdeen were convoked'; and we have already seen that of the seven delegates on whom the power of electing was conferred four were members of the Chapter, and three were from among the city clergy. Of course, it is possible that in this case there were some exceptional reasons for the course pursued; but, on the other hand, what occurred may point to some definite arrangement like that which so long continued between the Chapter and the Keledei of St. Andrews. I have not, however, observed any subsequent reference to the association of the city clergy with the Chapter of Aberdeen in the election of Bishops.

The case of Argyll is somewhat obscure. In earlier days election by the Dean and Chapter is distinctly mentioned, as may be seen by the Papal letter appointing Andrew to that see in 1299.³ But in December, 1344, Clement VI., in a brief appointing a Dominican friar named Martin, relates that in the time of his predecessor, Benedict XII., a certain Angus Congall had appeared at the Papal court, laying claim to the bishopric of Argyll on the ground that he had been canonically elected by the clergy of the 'city and diocese of Argyll,' adding that to them, together with the Chapter, 'according to an ancient and approved

¹ See Van Espen, Part I. tit. xiv. cap. 1. It was obviously foreign to the notion of the Pope's supremacy that a Bishop provided by him should have to seek confirmation from a metropolitan.

² *Theiner*, No. xcix.

³ *Theiner*, No. ccclxviii.

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custom,' the right of election pertained. It was judged that the statement of Congall was not true. But it does not appear whether it was the allegation that he had been canonically elected, or the statement as to the 'ancient and approved custom,' that was discredited. It seems improbable that Congall would have made a statement, so easy of refutation by the other claimant, had there not been some foundation for the peculiar mode of election to which he referred. Just ten years after by, as it were, a mere accident, we find a curious confirmation of the truth of the statement of Congall. Among the transactions relating to the raising of the money required for the ransom of David II., there is a procuratory signed by several of the Scottish Bishops, who attached to their signatures not only their episcopal seals, but also the seals of their Chapters. The Bishop of Argyll appends only his episcopal seal; and the note is added, 'non habet commune sigillum, quia totus clerus eligit.'¹

A case somewhat similar to that of Argyll will be found in the Irish diocese of Connor in Ireland, where, in 1390, the clergy of the 'city and diocese,' according to custom, elected the Bishop, there being no Chapter.²

Attention has now to be called to a peculiar case of dispute connected with the election preceding the consecration of Bishop Gilbert to the see of Galloway (Candida Casa) in 1235. The bishopric, it will be remembered, was at this time a suffragan see of York. The information we possess on the subject is derived from The Register, or Rolls, of Walter Gray, Lord Archbishop of York (*Surtees Society*, 1872), and from an account of the transaction given in the *Chronicle of Melrose* (*sub anno* 1235).

The Chronicle gives the following narrative: 'W., Bishop of Whitherne, died; and on the first Sunday in Lent, Gilbert, Master of the novices at Melrose, and formerly Abbot of Glenluce, was elected Bishop as well by the clergy as by the entire people of Galloway, with the exception of the Prior and Convent of Whitherne. But upon the Sunday on which is sung "Occuli mei"³ the said Prior and Convent elected Odo, formerly Abbot of Dercongal,⁴ accompanied by whom they forthwith repaired to

¹ *Acts. Parl.* I. p. 18. See the whole account in *Theiner*, No. dlxiv.

² *Calendar of Papal Registers*, iv. 336.

³ These words are the opening words of the Introit at Mass on the third Sunday in Lent.

⁴ That is, Holywood, *monasterium sacri memoris*, in Galloway, which, like Whitherne, was a convent of Premonstratensians.

Walter de Gray, Archbishop of York, demanding from him consecration of the elect. They did not, however, prevail, for he had heard of the former election. Having listened to the pleadings on both sides, he rejected Odo, and consecrated the aforesaid Gilbert, monk of Melrose, to be Bishop, in the Cathedral Church of York, on the Sunday next before the Nativity of Blessed Mary.¹

This very curious narrative receives some explanation, though by no means all that we could wish, from documents printed by the Surtees Society. The election of Odo by the Chapter of the Convent of Whitherne, if celebrated with the license of the king (Alexander II.), was certainly in its result opposed to his wishes, and failed to receive his assent. The king intimates to the Archbishop of York that an appeal to Rome would probably follow on confirmation being given to the person elected by the Convent. The Convent had, it is well to observe, in their communication with the Archbishop asserted that they had had the king's consent. Here was a plain issue as to a matter of fact. But the curious feature of the affair is that an election by the clergy of the diocese, excepting the very persons to whom presumably the right of election exclusively pertained, should be accepted as canonical and valid. The king in a letter to the Archdeacon and clergy assents to the election of Gilbert, 'because it was manifest to us that the election was canonically celebrated.' And the Archbishop of York would scarcely have ventured to confirm the election, even to oblige the king, had there not been some foundation for the claim made by the diocesan clergy. It may be noticed that in the correspondence preserved at York there is no allusion to the people having had any say in the matter. The question was between the Convent on the one hand and the diocesan clergy on the other. I take it that the statement of the Chronicle of Melrose as to Gilbert being elected, or chosen, by the people as well as the clergy represents no more than a generally, and perhaps vaguely, expressed desire on behalf of the lay people, such as seems to have been manifested in some cases already mentioned. The dispute perhaps originated in the rival claims of the king and the Lord of Galloway 'super patronatu.'²

It has been recently brought to light that the question of the canonical character of these two elections to Galloway was in dispute for several years; for as late as June, 1241, the Pope

¹ The Feast of the Nativity of the Virgin is Sept. 8.

² See *Lanercost*, p. 62.

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committed to certain Irish ecclesiastics (the Bishops of Raphoe and Rathlure and the Archdeacon of Raphoe) to investigate the two elections, and, if they found that Odo had been canonically elected, they were to compel Gilbert to restore all he had received from the see of Whitherne. If both elections proved uncanonical, they were to cause a fresh election to be made.¹ The Prior and Convent of Whitherne had obviously refused to submit tamely to the king, and had appealed to Rome. The reference of the dispute to Irish ecclesiastics was probably to secure impartiality by appointing disinterested judges.

The potent influence of the Crown on the appointment of Bishops in Scotland during the whole of the medieval period, and what may be called the *concordate* between the Crown and the Popes from the closing years of the fifteenth century down to the Reformation, deserve a separate treatment.

J. DOWDEN.

¹ *Calendar of Papal Registers*, vol. i. 198.

The King's Birthday Riot in Edinburgh, June, 1792.

THE baronial struggles of the Middle Ages had given Edinburgh the reputation of being one of the most turbulent cities in Europe; and the stories of Jenny Geddes and Captain Porteous had tended to preserve the historic tradition. In June, 1792, on the occasion of the King's Birthday, the city once more showed how closely its history was linked to that of the nation. For if it be true that 'Paris is France,' with equal truth it may be said that, at that time, 'Edinburgh was Scotland.' Yet this tumult was but a sign that the old conditions which had rendered Edinburgh pre-eminent were now passing away.¹ Its story is doubtless less picturesque than those already mentioned, but it is equally significant. In the Public Record Office, London,² may be found the formal declarations of those who played the most conspicuous parts in its action, and these afford a vivid picture of the political and social conditions of Scotland at the time.

'An evil spirit seems to have reached us which I was in hopes John Bull would have kept to himself.' In these words James Stirling, Lord Provost of Edinburgh, moralised in the account of the first day of the riot which he sent to his chief, Mr. Secretary Dundas. That 'evil spirit' was the spirit of the French Revolution which, in the year 1792, exercised its greatest influence on the country over which Dundas ruled with undisputed sway. By that time, according to Cockburn, 'everything, not this or that thing, but literally everything was soaked in this one event.'³ Hitherto, any really national political feeling, such as found vent in the memorable Popish Riot in Edinburgh, in January,

¹ *The Political Review of Edinburgh Magazines* begins its criticism of the politics of the ten contemporary Edinburgh periodicals from June 4th as being 'a remarkable æra.'

² All references and quotations, unless otherwise stated, are to be found in the *Public Record Office MSS. Home Office (Scotland) Correspondence*, vol. 5, June.

³ *Memorials of His Time*, Edin. 1872, p. 71.

1779, had been religious in origin. Other later manifestations of political sentiment had been limited either to the middle classes in the question of burgh reform, or to the lesser gentry in the agitation for the abolition of 'nominal and fictitious' votes. But with the French Revolution, the lower classes of Scotland definitely entered the arena of politics to play their part in a purely political struggle.

This awakening of Scotland to political life is not solely to be attributed to the influence of contemporary events in France. The years of peace and prosperity since the 'Forty-five had introduced a new class of 'operative manufacturers,' and tradesmen who found themselves hampered by the actual conditions of the time, and who sought in political action a remedy for the social evils produced. 'Men,' says Galt the novelist, the unique historian of this period, 'were no longer satisfied with the taciturn regularity of ancient affairs.' For men like Robert Dundas, the Lord Advocate, or Lord Provost Stirling, 'the taciturn regularity of ancient affairs' was expressed in such eighteenth century catchwords as the 'Genius of Legislation,' or 'Our Happy and Glorious Constitution.' But the new forces appearing in the political world of Scotland now made novel, and, as it appeared, startling demands upon the Genius.

The riot about to be described was not, therefore, as Stirling wrote to Dundas, 'The most groundless and unprovoked tumult ever remembered.' The actions of Harry the Ninth, as the latter was called, had made definite the vague sense of grievance created by the new trade conditions on the one hand, and the 'Rights of Man' on the other. Dundas represented to the popular mind the authority which had issued the Proclamation against Seditious Writings. Chiefly owing to his opposition, Sheridan's motion on the 18th of April, in favour of a reform in Scottish burghs, had been lost. The same conduct with regard to the repeal of the Test Act and the abolition of slavery had further increased his unpopularity.

In some of the more remote parts of Scotland, this irritation against the 'de facto' king of Scotland had already found vent in burning 'the effigy of a gentleman high in the service of the state,' as the Earl of Fife diplomatically reported to Henry Dundas; and towards the end of May, the report ran that Edinburgh was about to do likewise. As in the case of the Popish Riot, due warning was given to the authorities by means of posters and handbills. Some of these, such as the one affixed

to the public notice board, were evidently genuine expressions of the tone of feeling in the city, and give the causes of the tumult with a curious touch showing the continuity of history :

FELLOW CITIZENS AND COUNTRYMEN.

The Return of the King's Birthday brings in mind the Stigma shewn an enemy of our Country, John Wilkes—But that *Lash* of his Country, D——s, under the Cloak of Patriotism secretly *at least* seeks her ruin. Think of his opposition to the abolishing of the Test Act by which our Church is drained, the reform from the illegal and selfish views of our present Magistracy who act contrary to the *bulk* of the people in every matter—*These*, and other circumstances of his conduct make him merit the *Lantern* more than any of the French *Aristocrats*.

Another blended humour and historical reminiscence :—

In contempt of His Majesty's most gracious Proclamation against Riot, Sedition, Republicanism, Profanity, Rights of Man, etc. In contempt of the Records of Star Chamber, in contempt of Scots Privy Council and the gracious commands of Lauderdale therein Recorded—It is strongly reported that upon the King's Birthday, Anno 1792, an atheistical, Deistical, Jesuitical, Presbyterian, Dissenting Rabble¹ are unlawfully to assemble at the cross of Edin' and then and there to burn in Effigy the President of the National Assembly of the French, the effigy of Mr. Fyeat of fighting character, the effigy of the Marquis of Roccambol, and the effigy's of sundry other traitors. The said Rabble are to be dressed in Grand Gala, representing in most lively Colors even superior to the best waxwork—the King and Queen of France, Princes Marquises Cardinals Archbishops Bishops etc. according to the order of Presidency and Court Calander of the late Court of Versailles. When the Effigy's are reduced to dust and ashes, Then in triumph over Jenny Geddes of stool casting memory The said Cardinal Archbishops, Bishops etc. are to repair to the Cathedral of St. Giles where they are to Celebrate High Mass and sing the Te Deum—The night to conclude with Bells Squibs Crackers Bonfires and Claret.²

Such handbills excited genuine terror in the hearts of the officials of Edinburgh. Five years after the Popish Riot, Lord Justice Clerk Millar explained to the Government in London the reason of the official dread of mobs. 'For some time past,' he writes on 19th July, 1784, 'a spirit of disorder, a contempt of the laws, and a proneness to resist the execution of them has infected the minds of the lower class of people very generally. So that in

¹ 'The Swine of England and the Rabble of Scotland' was an ironical toast at democratic dinners.

² 'The horror of everything French drove claret from all tables below the richest,' *Cockburn's Memorials*, p. 31.



every part of the country, and more particularly in populous towns and cities, we have a lawless force of Mob, ready, upon any emergency to execute what their own imagination or a hint from a secrete enemy to the public peace may suggest.' Judging that such an emergency was now imminent, and actuated by a similar dread of the mob, the Lord Provost of the city proceeded to quench the first sparks of sedition. According to the *Scottish Register*, a democratic organ of the day, and in itself one of the signs of the times, 'an anticipatory advertisement' was issued declaring that all rioting would be suppressed; while as 'a sufficient force to prevent any real depredation,' four troops of dragoons, and the 53rd Regiment of Foot were placed at the disposal of the authorities.

On the 4th of June, the magistrates and representative citizens went to the Parliament House, as Cockburn tells us the custom was, to drink the King's health. The Provost, according to his own account, took the precaution of placing two magistrates at the windows to give notice if any noise or disturbance occurred; and, as no such warning was given, he was surprised on leaving the convivial gathering to find rioting rampant in the High Street. The Sheriff, on the other hand, declares that he left before the company dispersed, and, as he drove to the Lord Advocate's in George Square, *via* the High Street and the South Bridge, he observed that 'there was less rioting than usual.' In about an hour, however, he was summoned by a sheriff officer who informed him that there was a tumult in the High Street. He hastened to the Town Cross where he found both the magistrates and the military assembled, but saw no violence,—'only squibs and crackers which made the horses winch.' As the presence of the troops seemed only to keep the crowd together, the Provost was summoned from Hunter's Tavern to see if they might be dismissed. Before sending them back to the Castle, however, the Sheriff and the Provost deemed it more prudent to ascertain the cause of some commotion near the Tron Church. On proceeding down the High Street with an escort of soldiers, they discovered that a 'prodigious' crowd was busily engaged in burning a sentry box which had been torn from its place near the City Guard. The fire was soon quenched; and the soldiers, having cleared the streets, returned to the Cross, not a few of them seriously injured by stones thrown from the windows of the houses. About midnight the regiment returned to the Castle leaving a strong detachment in the 'Piazzoes of the Royal

Exchange,' and at half-past two, the Provost dismissed the remaining troop.

It was probably from an anonymous letter that Mr. Secretary Dundas learned the details of the next day's riot. It ran thus :

MR. HENRY DUNDAS

SIR,

I am exceeding happy to inform you that your effeigee's mett with the Just fate you yourself deserves and woud have gott had you dared to have ventured here I mean that several of them were publickly burnt to the great Joy of all lovers of there country and indeed of almost every individual in Scotland and I do advise not to be soon here if wish long life.

You may inform Mr. Pitt and the d—— Idiot of a king that I write this by orders of the Committee of Revolutioners in Scotland you may inform them there will be Hott work for them.

Edin 5 June
1792

Amane
PATRIOTTICUS.¹

'Hott work' had already distinguished Tuesday, the day following the King's Birthday. On that occasion the scene shifted to George Square where lived the chief actors in that day's drama,—Lieut.-Colonel Francis Dundas, then staying with his brother, the Lord Advocate, Lady Arniston, mother of Henry Dundas, and Admiral Duncan. All reports agree in stating that the day passed quietly, 'there being not the least indication of a riot.' In the evening Francis Dundas dined with his brother Robert. Looking out of the window, about six o'clock, he noticed a crowd carrying 'an Image suspended between two poles as if in a frame of three sticks.' Seeing mischief afoot, Francis left the house and made his way to Lady Arniston's where the crowd had stopped. As he pressed through the throng, he observed that it consisted of some twenty men, the rest being women and children. Lady Arniston was in the drawing-room of her house, and shortly afterwards Admiral Duncan joined the company assembled there. The crowd 'huzzaed' and a piece of wood was thrown up against the window. As the mob persisted in jeering and throwing missiles, Colonel Dundas and Admiral Duncan determined to drive the crowd round the effigy from the door. Armed with 'Lady Arniston's crutch which he had brought

¹ It is asserted in the official correspondence that all these anonymous handbills and letters are in the same handwriting.

down from the drawing-room,' Dundas sallied forth supported by the future queller of the Nore mutiny. Unluckily the Colonel was seized and beaten with his own weapon, and he regained the shelter of the house, exhibiting to his companion in arms 'a ghastly and formidable countenance.'

About seven o'clock, Sheriff Pringle arrived on the scene and was shortly after joined by the soldiers. After warning the crowd 'till he was hoarse,' he repeated the Riot Act from memory. The troops were ordered to prime their guns and with fixed bayonets they charged the mob. Two shots went off accidentally, but no one was injured. The crowd, however, seemed to disperse. The Sheriff, therefore, after leaving a guard for Lady Arniston's house, thought of dismissing the main body. While it was actually on the move Baillie Creech sent word that the mob was attacking the Provost's house in St. Andrew's Square. After severe pelting from the mob the soldiers reached that Square only to find all quiet; whereupon they returned to the Castle 'by the Mound of Earth and Ramsay Gardens.' During this false alarm the rioters had crept back to George Square, where they assembled 'as thick as they could stand'; and the Sheriff on his way home was surprised to come upon a scene such as he had witnessed earlier in the evening. But this time the mob was in a more dangerous mood, for the cry soon arose, 'There goes the Lord Advocate's windows.' Twice the hastily summoned troops were ordered to fire. Some five or six of the rioters fell; the crowd quickly disappeared, and the remainder of the evening passed quietly away.

With extraordinary persistency 'a crowd of 2,000 persons' reappeared in George Square on the following evening but did no damage. Probably the sight of the guards restrained them, or it may be that they caught a glimpse of the future hero of Camperdown 'who spent the evening in front of his house with a cudgel in his hand, and his blunderbuss loaded within doors, determined to defend himself to the last extremity.' About nine o'clock the mob disappeared, only to be found again in St. Andrew's Square, where, 'in about twenty minutes,' the windows of Provost Stirling's house were shivered to pieces. Two guns fired from the Castle brought the marines from Leith to help the troops in quelling the tumult. But on their arrival the mischief was already done, and the crowd had melted away.

Thus ended the three days' rioting. By the 16th of June, the Lord Provost, in acknowledging the pleasure he felt 'that His Majesty approves of the measures of the Magistrates' was able to report to Dundas that everything was 'perfectly quiet.' In his letter of the 20th of June he is still speculating on the cause of all the rioting, and he confesses that 'along with others he cannot guess, unless the report of a riot, so industriously circulated some days preceding, actually gathered a more than usual number together, and thereby occasioned what was before by some only wished or imagined.' It is true that the Lord Advocate, in a numerous and respectable assembly, hastily gathered early next morning in the New Aisle of St. Giles, 'artfully insinuated that there was a premeditated design of the people of Edinburgh to rise in revolt.'¹ But even the offer of a reward of a hundred guineas for information as to the leaders in the tumults led to no result, and some time afterwards all legal proceedings were quietly allowed to drop. It became known that some workmen at Newington were responsible for the effigy and that one of their number 'out of his simplicity' made it. Henry Dundas had the pleasure of reading that the hat of his 'Image,' together with a pair of breeches, a pair of stockings, and a pair of shoes, was obtained from one Begbie at the Toll-Bar, and that the workmen, proceeding thence by way of Laurieston, had been gradually joined by the few men, women, and boys who began the proceedings.

The real importance of the riot, however, lies in its effects on the question of reform. In the words of Provost Stirling 'the favourers of reform and innovation . . . have, by their late intemperance and zeal, overshot the mark, and given an alarm to the sober and well-minded part of the community which they did not intend.' Riot and reform were coupled together; and when the issues were definitely joined between the Government and the reformers in July by the founding of the associations of the Friends of the People, the Government studiously confounded their agitation with rioting, sedition, and revolution. It was in vain that the general convention of these societies passed a resolution that 'any member acting illegally or tumultuously was to have his name expunged from the roll.' The subsequent riots in Perth on the occasion of burning Dundas's effigy, and in Dundee on the setting up of a Tree of Liberty, seemed to strengthen the official contention. This series of riots, thus

¹ *Historical Register.*

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initiated by Edinburgh, created and aggravated that suspicion of reform which, as revealed in the pages of Cockburn, only slightly disappeared in 1801 (when it gave way to the greater fear of invasion), and really lasted till the peace in 1815. These were the days when, even in good society in Edinburgh, it was currently believed that Mrs. Fletcher, the wife of the 'Father of Burgh Reform,' the friend of Campbell, of Wordsworth, and of Arnold of Rugby, carried a dagger concealed about her person. It was even affirmed that every night, in her back garden in Queen Street, she practised guillotining hens, in order that, like the Lord High Executioner of Japan of later notoriety, she might be able to deal with higher game when the time came. Further, these tumults emphasised the need of a larger military force in Scotland; and that increase granted, the consequent erection of barracks for the first time, added a new grievance to the popular list. Abroad, the Edinburgh Riot, as reported in the pages of the *Moniteur*, gave ground to the belief that 'the people of Scotland' as distinct from 'the Government of England' were ready for Revolution.¹

HENRY W. MEIKLE.

¹ v. Sorel, *L'Europe et la Révolution Française*, vol. i.

Wimund, Bishop and Pretender

THROUGH historic mists the romance of this stalwart figure looms larger, doubtless, than was his actual importance. Yet a man whose career showed such contrasts arouses our sympathy ; and a man who, stepping out of obscurity, had force of character enough to alarm kings and astonish two warlike nations, deserves some place in the records of the great.

The account given by William of Newburgh is the fullest which we have. But he can tell us nothing about Wimund before he entered the monastery of Furness, except that he had, through poverty, been acting as clerk or librarian in some religious institution. William of Newburgh says : ‘ [Wimund] was born in a very obscure part of England ; and since, after he had received the rudiments of education, he had not [means] wherewith to continue in the [monastic] schools, to relieve his poverty he filled the office of antiquary to certain religious men, [although but] a beginner in the art of writing.’¹

Wimund afterwards entered the monastery of Furness, and became a monk there. He exhibited very exceptional talent, and high expectations were formed of him. On some occasion when monks passed from Furness to the daughter monastery of Rushen in Man, he was sent among the number. The Rushen abbey had been founded in 1134. He seems to have courted popularity among the Manx, and soon to have gained it in a very high degree. He had the distinction of a commanding figure, and the gift of eloquence in some language known to the islanders. Before much time had passed, they desired to have him as their bishop. This proposal seems to have met with some opposition. King Olaf, the donor of Rushen lands, had wished to appoint one Nicholas as bishop ; he had written to Thurstan, archbishop of York, urging him to consecrate Nicholas in spite

¹The passage is somewhat ambiguous, but this seems a juster rendering than that given by me in *Scottish Annals from English Chroniclers*, pp. 223-224. Other materials concerning Wimund may be found there, pp. 224-226 and 230.

of the opposition of the monks of Furness. Thurstan died early in 1140; and Nicholas was not yet consecrated when Olaf was treacherously murdered in 1142 (according to the Chronicle of Man).

Wimund, then, was not consecrated bishop of Man till after Olaf's death. The Chronicle of the Archbishops of York is absolutely negligible with regard to him, when it professes to have documentary evidence that 'Wimund, of the holy church of Skye,' was ordained as bishop of the isles by archbishop Thomas II. and professed obedience to him. Thomas II. had died in 1114, twelve years before Furness abbey was founded. Writing shortly after 1138, perhaps before Walter Espec's death, Ailred of Rievaulx says that since the capture of Malcolm Macbeth (of whom we shall speak later) there had been no further rebellion against king David.

Wimund was still a young man when, perhaps a few years after 1142, his supporters succeeded in having him ordained as bishop of Man and the Isles. From depths of poverty he had risen with incredible rapidity to the coveted episcopal chair; his powers and ambition might have brought him into still greater eminence. But instead of valuing the ecclesiastical promotion he had sought, he suddenly exhibited an obsession so consuming, a purpose so intense, that we must suppose he had either some long cherished plan to carry out, or some wrong which his position gave him the possibility of righting. The chroniclers, favouring king David, would have us believe that Wimund's action was irrational imposture.

Flouting his newly attained episcopal rank, he changed the crozier for the battle-axe; he gathered a congregation of men-at-arms, eager to serve a born leader of men; he organized an army and collected a fleet, and bade defiance to the king of Scots. Leading the van of his army he plundered and ravaged the land, retiring to safe fastness when the defenders were too strong; blocking the ways and escaping by water when he was hard pressed, but always to reappear and continue his tactics at some other place or time. His army was paid and fed by plunder. This warfare was carried on with almost unvarying success, and had the intended effect of greatly annoying king David, who saw his generals and his armies powerless to outwit or check the episcopal marauder. At last he abandoned the endeavour to overcome Wimund by force, and bargained with him for peace, promising him lands in Cumbria,—the land, in fact, where stood

the monastery in which Wimund's adventurous career had begun.

If this bargain was made in good faith, it would seem to have been an admission that Wimund's claims, whatever they were, were in some degree just ; and, whatever his claims had been, or whatever was his ultimate object, Wimund seems to have been satisfied with the compromise. He went with his army to take possession. But almost immediately he was surprised by the good men of the land, and suffered the full barbarous cruelty of a barbarous, though church-ridden, age. William of Newburgh relates with enjoyment his mutilation and blinding. Yet his life was spared, either because he was not regarded as an impostor, or because of his episcopal rank. It is related as a service done to king David, that Wimund was to have no heirs to his pretension, to molest the kingdom of Scotland.

Such were the heights from which he fell. A cautious general, fighting for gain or to right some burning wrong, he was at last outwitted either by the guile of a pious king, as William of Newburgh's account implies, or by the disloyalty of that king's subjects to his treaty. The next claimant of the lands had, for whatever reason, to be installed by force of arms (in 1151).

It is stated by William of Newburgh that Wimund had oppressed Furness monastery ; but this statement probably applies only to some members of it, for it was to his popularity among the monks that he owed the beginning of all his successes, and to their support that he owed the bishopric. No suggestion is made, I think, that it was by instigation of the monastic authorities that he was betrayed.

The chief problem of Wimund's career is, what motive inspired his campaigns ? If his ambition lay toward temporal power, did he use the church as a ladder merely ? If his pretension was imposture, why was he not sooner deprived of the bishopric ; and how could he hope to gain more than he must lose ?

William of Newburgh tells us that Wimund 'announced that he was the earl of Moray's son, despoiled by the king of Scots of the patrimony of his fathers ; that he had courage not only to prosecute his right, but also to avenge his wrongs.' Ailred of Rievaulx (writing between 1153 and 1166) asserts that Wimund 'said falsely that he was the earl of Moray's son.' Neither authority names the earl whose son Wimund claimed to be. In the mouth of sympathizers with David, the title 'earl of Moray' would here apply to the last earl, Angus ; but in the mouth of a

supporter of the Moray party it could only mean the present claimant, Malcolm Macbeth. Neither parentage is impossible in time, so far as we know the dates.

Both authorities state that his claim was false. This statement would not exceed the licence of modern party newspapers, if it meant no more than that Wimund claimed to be the son of the earl of Moray, but that his father, Malcolm Macbeth, had never held that rank. Both authorities were unequivocally partisans of David.

No one could chronicle the affairs of Wimund without risking the displeasure of David or his successors. Even the Chronicle of Man leaves blank the years 1143 to 1152. Moreover, if he was a fugitive from the scene of his father's capture in 1134, no doubt he came alone and with no testimony but his own word to his identity.

Fordun appears to confuse Wimund and Malcolm Macbeth ; but there is no ground for confusion between them. Wimund could not have claimed to be the person whom David held in captivity. Malcolm's campaigns had ended more than eight years before Wimund's began. But in considering Wimund's history, we must necessarily consider also the history of Malcolm Macbeth. Let us survey some of the facts recorded in the early chronicles.

Malcolm, called by Ordericus Vitalis the illegitimate son of king Alexander I., fought two battles against David.

In 1130, Malcolm and Angus were defeated at Stracathro ; Angus was slain, and the earldom of Moray confiscated.¹

In 1134, Malcolm [Macbeth] was taken, we may presume in rebellion, and imprisoned in Roxburgh.²

In 1153, on the 6th of November, according to the Chronicle of Holyrood, 'Somerled and his nephews,³ the sons of Malcolm, gathering to themselves very many men, rebelled against king Malcolm and alarmed and troubled Scotland in great part.'

In 1156, the Chronicles of Holyrood and Melrose agree that 'Donald, son of Malcolm, was captured at Whithorn, and imprisoned with his father'; the Chronicle of Melrose adding, 'in the tower of Roxburgh.'

In 1157, 'Malcolm Macbeth was reconciled with the king of Scots.'⁴

In 1168, October 23rd, 'Malcolm Macbeth, earl of Ross, died.'⁵

In these brief notes Fordun found his material, but he has added certain assumptions of his own : (1) that Malcolm was

¹ Robert de Torigni, following the same source as Ordericus Vitalis follows.

² *Chronicle of Melrose.*

³ *nepotes*, usually 'grandsons.'

⁴ *Chronicle of Holyrood.*

⁵ *Chronicle of Holyrood.*

not, but claimed to be, the son of Angus ; (2) that he and his son were incarcerated in Marchmont, not in Roxburgh ; (3) that Somerled's rebellion was the reason for the release of Malcolm. The last of these assumptions is probably right ; the second may be a mistake ; the first is obviously confused, and almost certainly due to some recollection of Wimund's affair grafted upon the history of Malcolm. In any case we cannot argue from Fordun's account that *Wimund's* claim was to be the son of Angus.

Fordun's account is given in the following passage¹:

'Also in the same year of [Malcolm IV.'s] reign Somerled, regule of Argyle, and his nephews,—sons,² that is, of Malcolm Macheth,³—gathering to themselves very many men rebelled against their king Malcolm, and alarmed and troubled Scotland in great part.

For this Malcolm was the son of Macheth, but he lied and said that he was the son of Angus, earl of Moray ; who, in the time of king David, of happy memory, while harrying his native land was slain with almost all his people by the Scots at Stracathro.

'After his death, this Malcolm Macheth rose against king David, as a son to avenge his father's death ; and while disturbing the surrounding districts of Scotland with rapine and pillaging, was at length captured and tortured' (*trucidatur* ; read, imprisoned ?) 'by the same king in close keeping in the tower of the castle of Marchmond.

'So Somerled continued the civil war, and his nephew, one of the sons of Malcolm Macheth, named Donald, was taken at Whithorn by certain vassals of king Malcolm, and imprisoned with his father in the same tower of Marchmond.

'And in the following year after his capture Malcolm, his father, was reconciled with the king, since⁴ Somerled still wickedly practised his wickedness upon the people.'

Angus, earl of Moray, was killed in 1130. He was a descendant of Macbeth. Malcolm Macbeth would hardly have pretended to be the son of Angus, as Fordun says he did pretend, if he had been an illegitimate son of Alexander I., as Ordericus Vitalis's authority alleges. Every probability points to his having been the heir of Angus. There can be no doubt that it is he of whom Ailred of Rievaulx speaks as the 'heir of his father's hatred and persecution' of king David. Malcolm was probably endeavouring to recover the earldom of Moray when he was taken prisoner in 1134. If he had been regarded as an impostor, he

¹ Skene's edition, vol. i. pp. 254-255.

² One MS. has 'daughter's sons.'

³ The same MS. has 'Macbeth' throughout. The two names are not, however, distinguished ; nor, I think, are they distinct.

⁴ This clause is in the ablative absolute construction.

would hardly have been kept alive. He is called earl of Moray in the Orkneyinga Saga. No doubt this was the title claimed by him, from 1130 to 1157; and this was the title by which he was known to his own party.

He had two sons by his wife, the sister (probably) of Somerled, before 1134. In 1153, if not sooner, they were old enough to fight in his cause. He died a natural death as late as 1168, in spite of his long imprisonment (twenty-three years); he must, therefore, like Wimund, have been of strong constitution. His birth may be placed early in the possible period (about 1090 × 1112), and probably not later than 1100. He had a daughter after 1157, Hvarflada, who married Harold Madad's son. This marriage was regarded as a cause of offence to king William, and one of his reasons for war against Harold in 1196; ostensibly because it had involved the abandonment of Harold's former wife, a daughter of Duncan, earl of Fife.

Two further incidents are recorded, which it is difficult to imagine are not in some way connected with Wimund. David usually respected churches and monasteries. He had no quarrel with the Cistercians, whose patron he was. But in 1138 his army first destroyed a Cistercian monastery, apparently Newminster near Morpeth, founded early in that year; and afterwards wasted the lands of the Cistercian abbey of Furness. These facts are recorded by Richard of Hexham. To account for these actions we must suppose that the monks had either shown active hostility against David, or were harbouring David's enemies. The most natural hypothesis is that Wimund's presence was the cause of offence, although this was more than four years before his aggressions began.

No better argument could be found for the genuineness of Wimund's claim, and for the legitimacy of his birth. Further, this hypothesis would account for his entering the monastic order. With his burning ambition, if he had had a true claim he would hardly have renounced his heritage by becoming a monk, except under compulsion. But the invasion of the monastery where he had taken refuge compelled him to flee to another; and there he would hardly have been received, with an army in pursuit, unless he had taken orders. Even then it was judged safer to remove him later to Man.

Since he was a monk as well as a bishop, there was some inconsistency in his flinging battalions against the kingdom of Scotland, and invading Galloway in the hope of acquiring the

earldom of Moray. But if his undertaking was to create a demonstration in favour of his father, then a close prisoner in Roxburgh castle, the absurdity disappears. Malcolm's other sons did the same a few years later; two occasions of their rebellion are definitely recorded, one in 1153, the other in 1156. Ultimately, indeed, these demonstrations seem to have proved successful. Malcolm did not obtain the earldom of Moray; but he accepted the earldom of Ross instead. The earldom of Moray may already have been given to William Fitz Duncan, who had also acquired the land granted by king David to Wimund.

Malcolm had found his support with Somerled and in the Isles. Ailred of Rievaulx, speaking of Angus's rebellion and Malcolm's, says that David 'had triumphed with little labour over the men of Moray, and of the Isles.' The same writer informs us elsewhere that David, failing to suppress Malcolm's rebellion, appealed to the English for aid, and that Walter Espec and other nobles met David at Carlisle, and collected ships with which they soon gained complete success: 'they terrified all [David's] enemies, until they took Malcolm himself, surrendered to them; taken, they bound him; and delivered him over bound.' This was written in David's lifetime by a Cistercian who held, and hoped to retain, David's favour, yet who was anxious to justify the benefactor of his order, Walter Espec, in the eyes of a king whom that baron had opposed in the Battle of the Standard. Wimund also was a Cistercian; and, as we have seen, Ailred was cautious to disclaim all sympathy with his fellow-monk.

But if Wimund was a counter-claimant to Malcolm, how could he have found support among Malcolm's supporters? And again, not long afterwards Malcolm's other sons also were supported by the islesmen; they were continuing the policy of Malcolm and Wimund, and invading Galloway from the Isles, when one of them, named Donald, was captured at Whithorn.

The dates of the events of Wimund's career are extremely uncertain. The most exact is entirely hypothetical, that he was tonsured in 1138.

William of Newburgh implies that no great time elapsed between Wimund's ordination and the beginning of his invasion. Ailred of Rievaulx, in a passage not very worthy of trust, asserts that Wimund 'obtained straightway the fitting reward of his

deeds.' This implies that the invasion was a short one; but William of Newburgh implies the reverse.

Wimund is said to have been deposed from the bishopric; although this is not certain, the appointment of a new bishop of Man in 1151 does not prove his death in that year.

William of Newburgh, who was born in 1136, entered Newburgh priory as a boy; and while there frequently saw Wimund in Byland Abbey, 'about a mile' away. 'And there he lived quietly for very many years, until his death. But even then he is reported to have said that if he had had even the eye of a sparrow his enemies should by no means have exulted in their actions toward him.'

This was in New Byland, to which the monks did not go until 1147. They were Cistercians, originally of Furness, which they seem to have left in 1134. Ailred's monastery also, Rievaulx, close to the old Byland, was only some miles distant from the new.

ALAN O. ANDERSON.

Brunanburh and Burnswork

THERE is a problem still to settle, if not to solve, about the battle of Brunanburh. While its political motives, occasion and consequences are clearer than most occurrences of the tenth century, the place where in 937 King Athelstan inflicted a momentous defeat on the allied host of Danes, Irish, Galwegians, Cumbrians, Scots, and Picts, remains debatable. Great and perennial however is the attraction of a seemingly insoluble question, and correspondingly great is the gratification to be earned by a decisive success. It was a battle whose historical interest is heightened by the degree of passionate emotion it evidently aroused, for certainly the legend and song which it inspired bespeak a deep consciousness of the national menace it relieved, and give that consciousness a more or less lyrical expression. Final episode of a struggle by the Northmen and Scots to wrest Northumbria from the English, it might well by its result satisfy Anglo-Saxon patriotism and kindle Anglo-Saxon poetry.

Chiefs of the federated host were Anlaf, Danish King of Ireland, and Constantine, King of Scotland. While there are wide varieties in detail, all accounts agree that it was a long and terrible battle, and that Athelstan gained a great victory. Ethelwerd tells that it was commonly referred to as the Great Battle, and numerous emphatic phrases from other authors tell the same tale. A general statement repeated with variations by several chroniclers is that the slain included five kings and seven earls, and Irish annalists tell of fabulous bloodshed.

The passage from the *Annals of Ulster* will bear quotation :

‘A great and horrible battle was stubbornly fought between the Saxons and Norsemen in which many thousands of Norsemen, beyond counting, were slain but the King *i.e.* Amlaibh¹ escaped. On the other side however a great multitude of Saxons fell but Athelstan King of the Saxons was enriched with a great victory.’²

¹ The name takes different guises : Anlaf, Amlaibv, Olaf, Olav, Onlaf, Awlay, etc.

² *Annals of Ulster* (translation). (Rolls edition), 457.

It was a time when the Norseman's mark was heavy in Ireland as elsewhere. 'Munster' says one of the old authorities 'became filled with immense floods and countless sea vomitings of ships and boats and fleets so that there was not a harbour nor a fortress nor a fastness in all Munster without fleets of Danes and pirates.'¹ When the various chronicles are collated they point clearly enough to the fact that the battle was fought for the mastery of North-umbria, and that Anlaf, the Northman King of Ireland, was the chief enemy.

As regards the battlefield, there are three elements in the evidence. First is the name of the place, second the mention or absence of mention of the Humber, and third the account of Anlaf's flight. Data tabulated below bring out the various forms of the name.

TABLE.

Anglo-Saxon Chronicle,	-	-	ymbe Brunanburh.
Symeon of Durham,			Weondune, Aetbrunanwerch,
Hist. Eccl. Dunelm.,			or Brunanbyrge.
„ Hist. Regum.,	-	-	Brunanburgh.
W. of Malmesbury,	-	-	Brunfeld.
Ethelwerd,	-	-	Brunandune.
Gaimar,	-	-	Bruneswerce, Brunewerche.
Chron. Picts and Scots,	-	-	Dunbrunde.
Annales Cambriae,	-	-	Brune.
Brut y Tywysogion,	-	-	Brun.
Florence of Worcester,	-	-	Brunanburgh.
Henry of Huntingdon,	-	-	Brunesburh.
Annals of Clonmacnoise,	-	-	Plains of Othlyn.
William Ketell,	-	-	(name not given).
Alia Miracula S. Johannis Episcopi			} [Near] <i>Scotorum Vadum</i> .
and			
Newburgh Abbey extract,	-	-	
Egil's Saga,	-	-	Vinheið at Vinuskog.
Fordun,	-	-	Brounygfelde.
Book of Hyde,	-	-	Brunfort.
Annals of Four Masters,	-	-	(name not given).
Annals of Ulster,	-	-	(name not given).

The mention of the Humber as the place of entry into England is a pure error of Florence of Worcester, repeated by some later writers after him. It is negatived not only by the natural inference of a West Coast junction spot for Irish, Cumbrians, and Scots, but also by the direct statements of various Irish annalists; and finally, the fact that the routed

¹ *Wars of the Gaedhill*, p. 41.

Norsemen fled back by sea to Dublin is conclusive proof that the site of battle was in the West.

But where in the West?

From the combined authorities it emerges that the one distinct and identifiable statement of locality is that contained in the Yorkshire story of the miracles of St. John of Beverley, the *Alia Miracula S. Johannis Episcopi*, placing the battle on the borders (*in finibus*) near the *flumen quod dicitur Scotorum Vadum*, that is, the Solway or Sulwath, historically known as the 'Scottiswath' or Scottish ford, and distinguished from the 'Scottiswater' or Forth. It is particularly interesting to note that this John of Beverley story is a deliberate correction of a previous narrative¹ by William Ketell, a clerk of Beverley, written about 1150, and reaches us in duplicate in the 13th century from York and Newburgh.² The revised and corrected story, dating from about 1175, tells that the Scots had invaded England, that Athelstan marched against them, that they then retired across the river dividing England from Scotland (*fluvio quod dividit Anglorum regnum a Scotia*), that Athelstan, at the bidding of St. John of Beverley, crossed that river, which is called the Scottiswath (*vadum Scotorum*), and that by following the saint's counsel he gained the day. The border region of the Solway was the inevitable meeting-place for the mixed host and there is direct proof that Anlaf's starting point was Dublin. It was in consequence of the conjunction of these data with the fact that Symeon of Durham³ and the metrical chronicler Gaimar⁴ both give the name of Brunescwerc or Brunnanwerch to the battlefield, that in 1899 the evidence as a whole was read by me⁵ as emphatically pointing to Burnswork Hill⁶ in Dumfriesshire, some twelve miles north of the great ford of Solway, as the site of the battle. Since then the same view has commended itself to my distinguished friend Dr. Hodgkin.⁷

Now, however, new data have been obtained from a revision of one of the old authors, and the purpose of this paper is to

¹ Raine's *Historians of the Church of York* (R.S.), i. 263, 294.

² Raine *ut supra*. Palgrave's *Documents and Records*, i. 115.

³ *Historia Ecclesiae Dunelmensis*, sub anno 937.

⁴ *Monumenta Historica Britannica*, 808. ⁵ Neilson's *Annals of the Solway*, 34.

⁶ Forms of the name are Burnyswarke (1542), Bain's *Hamilton Papers*, i. p. lxxxvi; Burniswork (1608), *Inquis. ad Capellam*, Dumfries Retours No. 57; Burneswark (1623), Wilson's *Annals of Hawick*, 274; Burnswark (1661), *Acts Parl. Scot.* vii. 201.

⁷ *Political History of England* (1906), vol. i. p. 335.

interpret for the first time, according to modern archæology, the topographical indications of the *Egla* or Egil's Saga. This famous work, believed to have been cast into its present shape before 1200 as a probable recension of earlier materials, has long since been recognised as containing a very full account of Athelstan's battle with Anlaf, in which Egil himself played a distinguished part. A singer as well as a warrior Egil left behind him the materials of the Saga. Recension though it no doubt is, the Saga contains autobiography, and vigorous autobiography too, and there is an interest, little short of fascinating, in the proof it affords of minute observation and accurate local description.

Egil, son of Skallagrim, was the greatest chief and most famous warrior of his kin. He was the grandson of Kveldulf and son of Skallagrim, who had both suffered, by no means tamely, from the enmity of King Harold Fairhair of Norway, and the feud in Egil's case was hot against King Eirik Bloodaxe, Harold's successor and son. Born in Iceland, Egil was to make himself known by his feats as a viking warrior in all the regions washed by the Baltic and the North Sea. 'In his life and character' says Vigfusson in his prolegomena to the *Sturlunga Saga* 'he seems to unite extremes which make him a type of the age in which he lived. Steadfast in love and hate, cool and passionate to madness, crafty and reckless, grasping and generous, he passed through a checkered life as poet and pirate, chief and champion, the henchman of Aethelstan and the hereditary foe of Eirik, now an honoured guest at court, now a helpless prisoner, now a mighty lord, in such a fashion as fits the typical Northman of our tradition. The Saga [*i.e.* Egil's Saga] is especially interesting to English students from the numerous notices it preserves of the days of the Danish invasions, the settlements, the piracy, the great fight at Brunanburh etc., though the late date and the epic character of the work as we have it of course forbids too literal credence to its vague traditions.'

Egil's long story of the battle differs in many details from the briefer intimations of the historians. The *Song of Brunanburh* in the Anglo-Saxon Chronicle, extremely valuable as it is for much direct information, was too ecstatic a pæan of victory¹ to admit of

¹ It puzzled John Milton who failed to recognise it as a chapter of verse woven into the context of the prose of the Chronicle. See Milton's *History of England continu'd to the Norman Conquest*, book v., reign of Athelstan. Camden had the hardihood to refer to its 'extraordinary raptures of Wit and Bombast.' *Britannia* ed. Gibson 862. Professor Alois Brandl characterises it well as clothing a prosaic bulletin of events in glittering archaic rhetoric. *Geschichte der Altenglischen Literatur* (Strassburg, 1908), 137.

a matter of fact register of the stratagems and tactics of the leaders or the varying fortunes of the hard fought day. Not so with Egil's Saga. It is a fuller and more circumstantial and, it may be added, more stirring story of battle than exists of any Anglo-Scottish battle prior to Falkirk and Bannockburn, with the possible exception of Ailred's vivid description of the Battle of the Standard in 1138.

Of course its 'historicity' is another question: it is the same question as obtains about all the sagas dealing with events where there is an insufficiency of record to check the narrative: and it is a question towards which this essay makes some contribution. But first it is necessary to advert to a recent paper of high interest and value by the Rev. C. W. Whistler on *Brunanburh and Vinheið in Ingulf's Chronicle and Egil's Saga*,¹ in which very remarkable relations are proved to exist between the singular story which the pseudo-Ingulf tells of Abbot Turketul,² and the Saga's account of Thorolf's share in the battle. Suffice it to say that, albeit the credit of 'Ingulf' is so bad, his story squares along much of the whole line with the Saga, and the coincidences, certainly not due to contact of the chronicle with the Saga, are with much plausibility and, indeed, by necessity of inference regarded as the indications of origin in closely allied tradition. 'We have in fact,' says Mr. Whistler in words which are no more than a statement of what seems proved beyond cavil, 'an English tradition of Brunanburh and an Icelandic tradition of Vinheið which are so close in detail that they must refer to the same contest, and incidentally corroborate one another at the least in many points.' Turketul in 'Ingulf' plays much the same part in the battle as Thorolf in Egil's Saga³: he leads the 'Wiccii' while Thorolf leads the 'Wicingas.' When he is overthrown Syngrin advances to the rescue, evidently the Skallagrimsson, Egil, of the Saga. He slays the Scots leader in both versions, and in both versions this ends the long combat and Anlaf or Olaf, defeated, flees.

But it is in several topographical particulars that Egil's Saga brings the most startling and decisive although until now unrecognised evidence to bear on the problem of the site of Brunanburh. To make this clear, however, it is necessary to connect the Saga's

¹ *Saga Book of Viking Club* (Jan. 1909), vi. 59.

² Milton in his *History*, ut supra, tells the story from Ingulf.

³ Turketul, however, in 'Ingulf' long survives the battle, whereas in Egil's Saga he is slain in the fight and is buried on the field.

allusions to the site with its account of the antecedents of the battle and of the battle itself. The following abstract was primarily made from Thorkelin's edition, *Egils-saga sive Egilli Skallagrimii Vita* (Havniæ 1809) ch. 50-55, and was, later, revised in the light of *The Story of Egil Skallagrimsson*, a most useful translation by the Rev. W. C. Green (London, Elliot Stock, 1893).

Alfred the Powerful was followed (A.D. 900) on the throne by Edward [the Elder], father of Athelstan the Victorious, and by Athelstan himself (A.D. 925), whose dominion embraced Cumbrians, Scots and Irish. The royal authority was not what it had been under Alfred when the young Athelstan took the crown. He hired many soldiers, both native and foreign; Thorolf and Egil, sons of Skallagrim, cruising in the North Sea, heard that the pay was good, offered their services, and were accepted, consenting to the condition of being 'prime-signed' or marked with a cross as Christians, at the king's request. They had, the Saga states, '300 men with them, who took the king's wages.' Olaf the Red reigned in Scotland,¹ a Scot by the father's side, a Dane by his mother. Scotland was reckoned as equal to a third of England. Northumbria was reckoned a fifth; formerly the kings of Denmark had held it. York was the capital and it was in the dominion of Athelstan, who set over it two jarls, Alfgeir and Gudrec, to guard it from the invasions of Scots, Danes, and Norwegians. Cumbria was held by Hring and Adils, subjects of Athelstan: their place it was to be in the front of the fighting line before the king's ensigns when he went to battle. Alfred had been able to maintain his authority in these distant parts, but the youth Athelstan was held as less formidable and the allegiance wavered. Olaf gathered a great army, marched south into England, and laid waste Northumbria. Alfgeir and Gudrec gave battle: they were defeated, Gudrec was slain and Alfgeir fled to Athelstan with the news of the disaster. Hring and Adils, seeing Olaf victorious, went over with all their followers to his side, and the joint force far outnumbered the army of Athelstan, whose officers therefore advised him to go south and assemble the necessary troops. He did so, first however placing Thorolf and Egil in command of the army, including the Viking or pirate allies.

¹ Of course there is error here, not due to the old sense of 'Scotia.' Anlaf's conquests and kingdom were in Ireland. The saga in ch. 50 and 62 expressly distinguishes the Scots from the Irish.

During his absence the brothers sent messengers to King Olaf, making it their pretext that King Athelstan wished to challenge him to the hazels *i.e.* the Norse duel,¹ and proposed as the place of the combat 'Vinheið (or Vinnuheid) at Vinuskog.' The conqueror should have the rule of England. The day of battle should be at the end of a week, and he who first arrived at the appointed place should await the other. Meantime all devastation of the country was to cease. 'At that time,' says the Saga, in words of high interest, 'it was the custom that a king challenged to the hazels could not without infamy harry the land until after the combat.' Olaf obeyed this law, drew in his army and, stopping all pillage, led his army to Vinheith. A 'borg'² stood on the north side of the 'heið' or upland-heath,³ and there Olaf established himself and waited. Spacious territories lay round, from which provisions were easily to be procured. Some of his men he sent up to the heath designed for the battle, in order to take a place for their tents and the conveniences necessary against the coming of the troops. They found the ground for the combat already enclosed with hazel⁴ stobs to mark it off.

¹ An old commentator, Arngrim Jonas, in his *Chrymogæa Rerum Islandicarum* (Hamburg, 1618), lib. i. cap. ix., describing the rites and ceremonies of the Norse duel says, 'Describebatur Martis illis campus, facto circa quopiam ut per cancellos ligneos aut aliud simile: et hi cancelli Heslesteingur dicti sunt (Inde etiam Phrasis *ad hasla audrum voll*: Idem quod *Biöda a holm* ad singulare certamen provocare) Idcirco quia forsan cancellis istis primum corylus qui *Haselbawm* et *Haselnüssbawm* dicitur Germanis, materia erat.' In lib. ii. there is a full abstract of Egil's Saga.

² The misrendering of this word 'borg' long obscured the significance of it. Thorkelin's edition Latinizes it as *urbs*, and Mr. Green's translation made it *town*. It really signifies a fortification, an earthwork. The glossary to *Heimskringla* (Saga library) defines it as a fortress made of turf and timber with a moat round it. It is equally a duty and a pleasure to acknowledge that my recognition of the extraordinary importance of this matter was due to the following suggestive though indefinite passage in Prof. Collingwood's *Scandinavian Britain* (1908), p. 133: 'Egil's Saga also describes the battlefield as a heath between a river and a wood with a *borg* to the north and one on the south of the plain, a description which if any confidence could be placed in it would help in the identification.' He left, however, the rune of topography quite unread.

³ *Heið* as a suffix appears very often to connote a moorland ridge, and as repeated cross-readings show is, as regards Vinheith, often interchangeable with *haed*, hill. The generic Icelandic sense is a 'barren tract of fell.' *Icelandic Dictionary* (Cleasby and Vigfusson) voce *heiðr*.

⁴ Details and ceremonies of the Norse duel are given in *Kormak's Saga*, especially chs. ix. and x. The preparation of the place of combat was a solemnity with a prescribed order. A hide five ells long was laid in the centre, and was pinned

'It was,' says the Saga, 'a flat space where a great host could be arrayed, for the place was such that there the heath was flat.'¹

There was a water on the one side and a wood² on the other and, in the space between, the troops of Athelstan took their quarters, setting up three times as many tents as they were really able to use and pretending to Olaf's people that they had not enough. The tents were set in so steep a place that a view from above would not reveal their numbers. Olaf's people on the north side of the hazel-ring were encamped on a moderate slope. Athelstan's people day after day boasted that their king had either come or was just about to come to the other 'borg' which was situated on the south side, under the heath. Thither, day and night, more and more of the reinforcements of Athelstan made their way.

When the stipulated week was at an end and Olaf was about to march against the Saxons, another message was sent to Olaf proposing terms of peace; he was to return to Scotland, and was to receive from every ploughgate of the realm of England a shilling of silver in pledge of friendship. This offer to buy Olaf off was rejected, and the messengers who had made it asked a

down to the accompaniment of sacrificial words of ritual. This done, 'three squares should be marked round the hide, each one foot broad. At the outermost corners of the squares should be four poles called hazels: when this is done it is a hazelled field.' Saxo Grammaticus, however, describes the process in the words *circulatur campus* which, naturally interpreted, point to a circular arena. See his *Historiæ Danicæ*, ed. 1644, p. 48, and the elaborate comments at pp. 97, 98, 105, 120 in the 'Notæ uberiores' of the editor, Stephanus. See also *Heimskringla* (Saga Library) glossary voce 'Holmgang.' No doubt the ritual above referred to explains the note of infamy which the saga says was attached to hostilities pending the combat. The process was at once an invocation of law and of magic. Its legal side is interestingly illustrated by a passage in Egil's Saga, ch. lvii. 'There where the court (*dómrinn*) sat was level field, and it was set with hazel poles in a ring (*i hríng*), having twisted ropes all round and called the 'Ve-bönd.' The last word Mr. Green translates 'precincts' or 'hallowed cords.' Thorkelin's rendering, *pacis sacrosanctæ vincula*, perhaps brings out better the concept of inviolable sanctuary attaching to the spot. It is needless to insist on the close and obvious association in character between the place of law and the place of judicial combat.

¹ That this means a hill-plateau is clear because from the north 'borg' Olaf's men were sent 'up' (*upp á heiðina*), because the north side sloped (*afhallt*), and because the south side was steep (*hátt*), and the 'borg' there stood 'under' the heath (*undir heidinni*).

² An important variant of this passage expressly mentions the 'meikle hill.' It runs thus 'Skamt frá ánni var hæd mikill enn a hædinni tiöldudu menn Adalst. kóngs, etc.,' thus rendered by Thorkelin, *Prope ab amne extabat collis spatiosus in quo colle Adelsteiniani tendebant*. This seems to be correct as another passage in ch. 54 (p. 294 of Thorkelin) states that the ground was level by the water (*a víðlendit til árinnar*) and high at the wood (*efra með skóginum*).

further three days' delay to see whether Athelstan would not give more as the purchase price of peace. On the third day they repeated the former offer with the addition of a shilling to every man, a mark of silver to every officer commanding a dozen, and a mark of gold to each captain, and five marks of gold to every jarl. Olaf took counsel, and after varying advice resolved to accept, on condition that Athelstan should cede to him all Northumbria. Three more days' delay was thus necessitated: by this time Athelstan had arrived, and he received the legates of Olaf in the 'borg' on the south side of the heath. They stated to him Olaf's last condition, but Athelstan made firm rejoinder that Olaf must be his subject, that he should hold Scotland from him, and be his under-king.¹ On Olaf's messengers returning he held a council; the messengers told what Athelstan had said, adding that he had now a great force of troops which had come into the 'borg' that very day. It was resolved to negotiate no longer and to attack Athelstan at dawn.

The battle began by the advance of Hring and Adils during the night against the south side of the heath. When daylight broke the engagement opened. Thorolf had one battalion of Athelstan's army (evidently foot), next the wood, on the high ground, Alfgeir had the other, expressly stated to be, or at least to include, horse, on the low ground next the stream. Thorolf was armed with his sword called The Long and his great spear known as the Brynthvarar or darkener of breast-plates. His brother Egil was girt with the sword called The Adder. The force under Adils charged heavily against Alfgeir's battalion. Hring's detachment attacked the Vikings of Thorolf and Egil. So fierce was the onslaught of Adils that Alfgeir took to flight, 'of whom it is to be told,' says the Saga, 'that with his band of horse he fled south of the heath and passed near the 'borg' where the king was. But he did not tarry and fled night and day till he came to Jarlsness. Thorolf and Egil had better fortune against Hring, and numbers of the Cumbrians and Scots were slain. Thorolf and Egil pressed the pursuit till night fell, when they

¹ The proposal for a duel had been gradually superseded and was now abruptly dropped altogether. Some interpreters of the Saga seem to regard the proposal as having been not for a duel but for a pitched battle. It seems to me however that the references to the 'hazels' admit only the sense of a duel. Cf. *Kormak's Saga*, ch. 10, and the passage cited in a previous note from Arngrim Jonas. At any rate, in the end, the battle was not the fulfilment of the originally proposed compact at all. The challenge had been merely a stratagem and the compact was not carried out. So I read the saga, but the point is not very material.

returned to their camp where Athelstan joined them with the main army.

King Athelstan spent the night in the 'borg,' and next morning, on word being brought of renewed battle, the whole army advanced north to the heath. Athelstan put Egil in front of the first battalion commanded by himself, Thorolf had command of the second. Olaf's force also was divided into two, one wing commanded by himself in person was opposed to Athelstan's own command. The other led by Scottish jarls assailed the battalion of Thorolf, which an unexpected attack by Adils threw into disorder. Thorolf fell and the Scots were shouting victory, whereupon Egil, advancing swiftly to the rescue, encountered Adils personally and killed him. Then the Scots wavered and fled. Egil next turned to the attack of Olaf; there was fierce slaughter; Olaf's men too gave way; the Vikings pressed on with shouts of victory. Athelstan ordered the whole line of his army to advance with his banner, Olaf's army was finally routed, there was a direful slaughter, and King Olaf himself was among the dead.¹ Athelstan, riding back while the pursuit was still going on, went again into the 'borg' to spend the night.²

On the battlefield was found the body of Thorolf. A grave was dug for him there, and Egil, clasping a great ring of gold upon his dead brother's arm, laid him to rest with his arms and vestments, building him a tomb of stones over which earth was heaped. Egil sang a song which the Saga cites or professes to cite:

Green grows the earth on Vinheith
Over my glorious brother.

He sang, too, of his own feats—how with the dead that 'western field' (*vestan vang*) was heaped, when Adils had fallen before his serpent blade, and Hring had been given to the ravens, and the young Olaf had been encountered in the battle-storm. Then Egil sought the King, where with strange ceremonial, Egil received on the point of his own sword, from the point of Athelstan's, a great golden ring or armlet, which he set upon his arm. Then they drank deep, and the king followed the gift of the armlet³ to

¹ This statement was a mistake.

² There are several intimations like this one that from the standpoint of Egil or his 12th century editor Athelstan was not desperately eager to be in the thick of the fray himself.

³ A contemporary bestowal of a golden armlet by King Edmund, Athelstan's successor, in 940, is recorded in Leland's *Collectanea*, ed. 1774, vol. ii. 375.

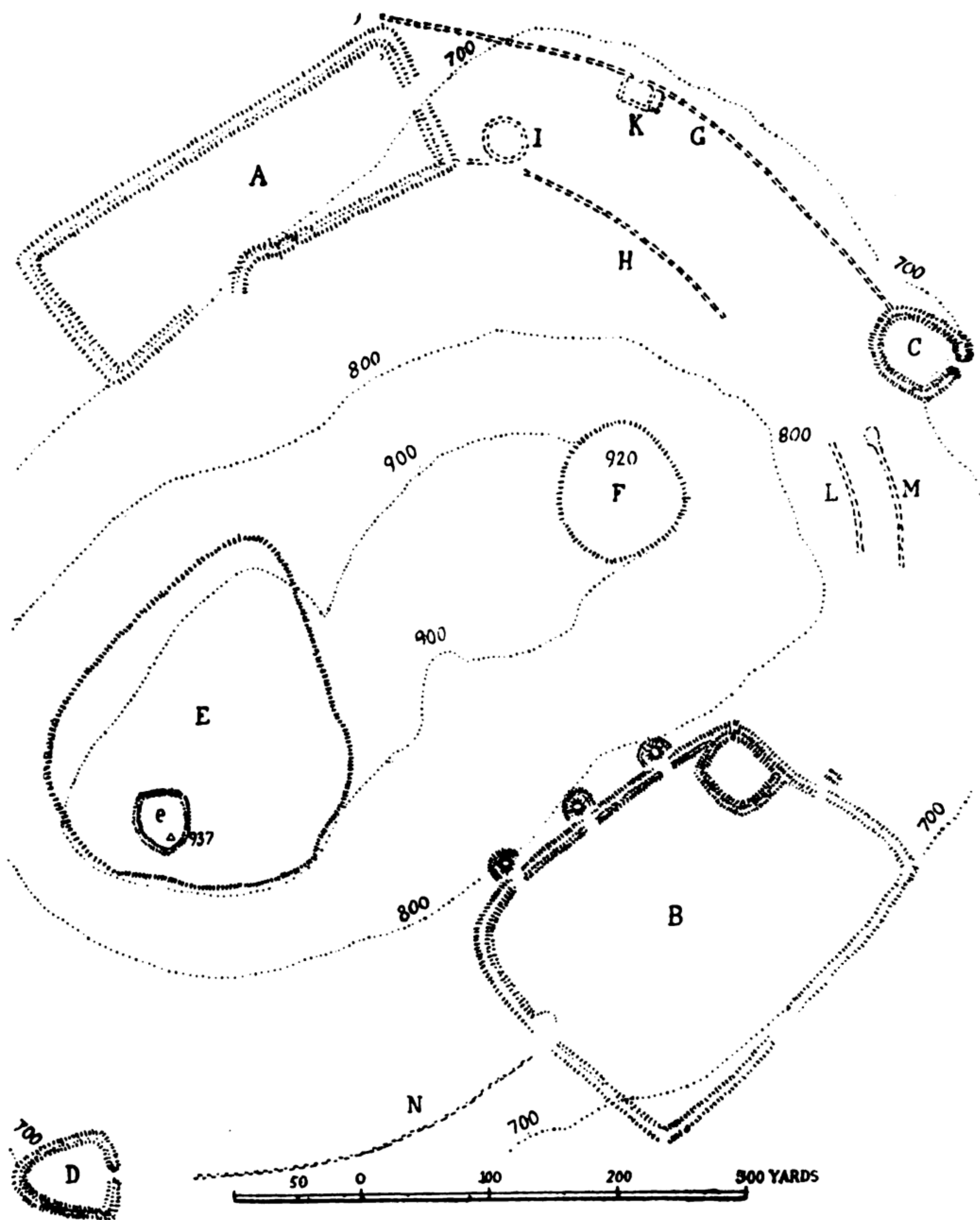
Egil with a gift of two chests of silver for his father and his men.¹ Egil finally sang verses on the glory of Athelstan, conqueror of three kings, most illustrious of his race. Two more rings of gold and a rich garment were the guerdon of the bard, who could be as courtly as he was brave.

When we turn from the strophes of Egil to the strange story of the challenge, the battle, the heath, and the 'borg,' it is well in the first place to remember that the proposition of a duel was made by two Northmen to a third Northman, to all three of whom the law of the hazels was an active tradition. The analogous episode of Cnut and Edmund in 1016 has been differently regarded by historical critics, and its authenticity is still a question. As a stratagem to procure a suspension of hostilities and give time for reinforcements such a challenge by Athelstan would have been a highly feasible expedient, thrown aside cavalierly enough when it was no longer necessary to temporise. Most striking, however, is the many-sided interest of the allusions to the place assigned for the duel, and the locus of the battle itself. (1) First will be noted the evident fact that the place, though distant, was clearly defined, a rendezvous probably marked out by Nature. (2) The 'heath' is from the whole context a hill top,² on whose north slope was Olaf's encampment, and on the south Athelstan's. (3) The flat top is too obvious to need enforcement. (4) There is a 'borg,' no doubt an earthwork, on the north side of the hill. (5) There is another 'borg' on the south. (6) Evidently those 'borgs' were there before the battle; they were, according to the Saga, occupied, not made, by the two armies. (7) They have the hill between them, and while the north 'borg' is moderately sloped, the south one is steep. (8) Thorolf's grave mound is a final thing to remember, on the 'heath' between the 'borgs.'

Now it is a simple process to apply these data, in conjunction with the indications from the old chronicles, as criteria to test the validity of any site suggested for this battle. Some shadowy likeness of a name alone serves for the best of the suggested sites

¹ Egil disappointed his father over this silver (ch. 61), and, himself a disappointed parent in his old age, buried and hid it in a bog-hole at Moss-fell in Iceland (ch. 90) shortly before his death.

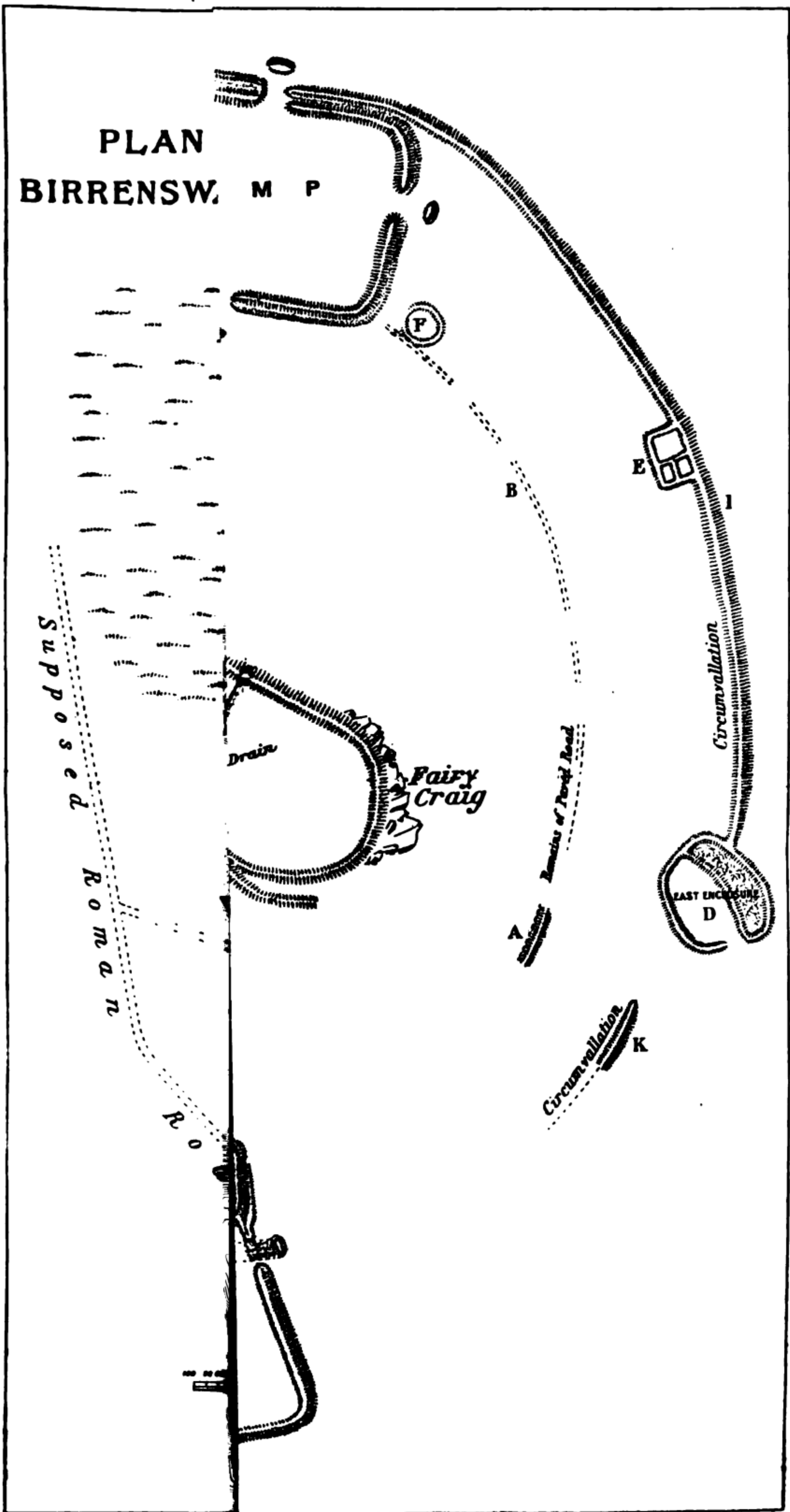
² Besides the direct mention of steepness in the text, it is to be noted that in a good many variant passages *haed* (hill) takes the place of *heid* (heath). On this point I suspect confusion throughout the texts. Vinheith was both heath and hill. Dr. Hodgkin called attention to the Anglo-Saxon Chronicle's use of the phrase *ymbe Brunanburh*, round about Brunanburh, as an indication of a hill-side battle.



BURNSWORK HILL.

Plan by Mr. James Barbour, partly from the Ordnance Map and partly from General Roy's Plan.

(*Proc. Soc. Antiq. Scot.* 1898-99, p. 200.)



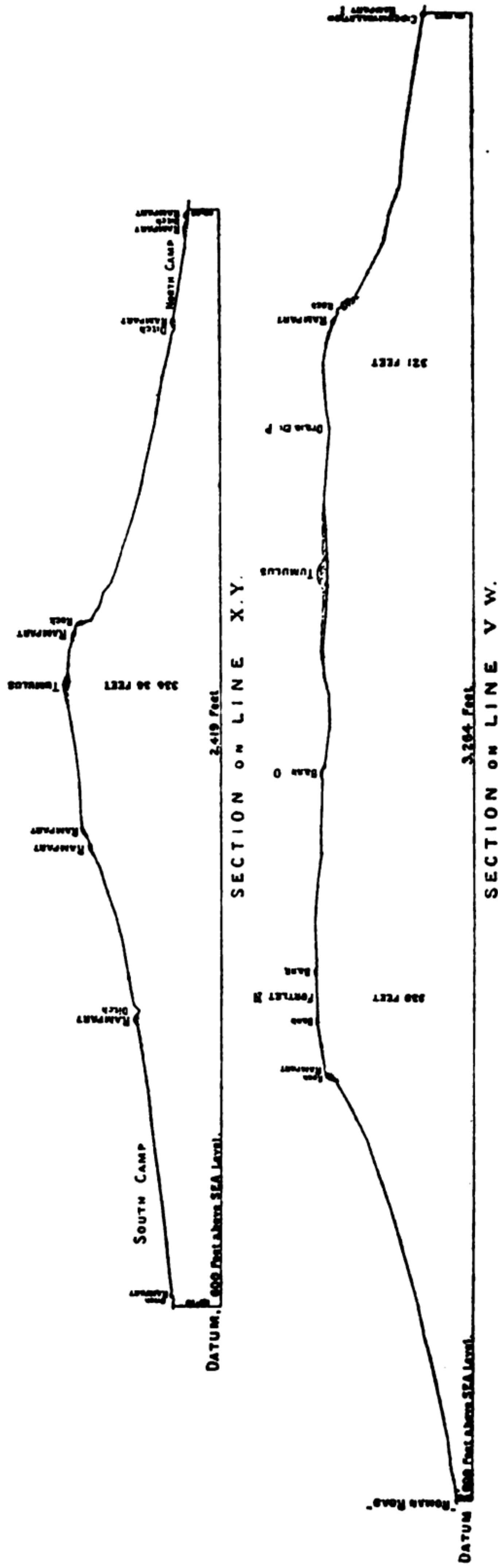


in England. Not one of them derives any collateral support from legend topography or archaeology. All stand on that solitary leg, the mere place-name, and the argument cannot march. Not one of the English sites meets the fact that from the region of the Humber, from York and Newburgh both, comes the distinct statement that the battle was fought in the region of the Solway. Brunedown in Devonshire, Brumby near Doncaster, Lincolnshire, Burnham in North Lincolnshire, Bourne in South Lincolnshire, and Aldborough near Knaresborough, Yorkshire, are all on the wrong side of the country. Bromborough on the Mersey is far away from the Solway. Bromfield (formerly Brunefeld) near Wigton in Cumberland, alone lies in the Solway region. But it is on the south, whereas the Yorkshire story says that the battle was on the north side of the Solway. Gaimar names it Brunswerc, Brunewerche, and Simeon of Durham calls it Brunanwerch.

The conclusion to be drawn from the situation and character, the history, and the map and plan of Burnswork in Dumfriesshire, seems to be as perfect a demonstration of identity as it is beautiful as a proof that Egil's Saga still bears the impress of what the soldier and singer saw close on a thousand years ago, when his diplomacy, as well as his sword, helped to achieve the victory for King Athelstan. For what are the facts and what does the plan show? Burnswork, three and a half miles to the north of Ecclefechan, is a fine, bold, rounded hill in the heart of Annandale, the southmost spur of high ground, with no eminence south-west south or south-east of it till far across into Cumberland, to the Carrick Fells and the outliers of Skiddaw, many miles beyond the Solway. A paragraph of Groome's *Gazetteer* describes it succinctly and well: 'It rises to an altitude of 920 feet above sea-level; has a tabular summit; stands out against the sky-line in extensive prospects from the straths of the Annan, Solway and Eden; commands a wide panoramic view; is crowned with two well-preserved Roman camps.' Its blue ridge, like a great Roman nose on the landscape, is a glad object to the eye from a wide and far circumference, from many a distant point on the Roman Wall eastward, and from a vast area of the Cumbrian plain to the south and west. The first deduction from its topography is that it would be hard to surpass as the prearranged and designated spot for a meeting such as that of Anlaf and Athelstan. Moreover, let the reader look at any map of 'Britannia Antiqua,' and he will see one more reason for this fitness. It lay directly on the

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BIRRENSWARK - HILL.



SECTIONS BY MR. JAMES BARBOUR.
(Proc. Soc. Antiq. Scot. 1898-99, p. 232, plate IV.)

great Roman Road, running from the south to the north through Luguwallum or Roman Carlisle. But the identification chiefly comes from the two great Roman camps, the entrenchments of which are still so deeply scored on the slopes of Burnswork, the one on the north slope of the hill, the other on the south. Is there room for one moment's doubt that they are the 'borgs' of the Saga?¹ Famous as any earthworks of their kind they have attracted the attention of archaeologists since Gordon's *Itinerarium Septentrionale* described them, estimating that on the north side of the hill as capable of holding 3166 men and that on the south as fit for 2738. Sir John Clerk, Roger Gale, Bishop Pococke, the historian William Maitland, General Roy and Pennant all discussed them, and the most recent account is by Dr. Christison, Mr. James Barbour and Dr. Joseph Anderson in the *Proceedings of the Society of Antiquaries of Scotland*, 1898-99, with capital plans, sections and illustrations. By the courtesy of Mr. Barbour and the Society the plans and sections are here reproduced. The conclusions of modern archaeology, while not so definite as the older opinion that the two great rectangles were camps of Agricola, are that the consensus of evidence favours a Roman origin, determined by a very meagre body of articles of pottery, glass, and lead of Roman type disclosed by the excavations made in 1898.

Applying the eight criteria set forth above, the reader will see at once that Nos. 1, 2, 3, 4, 5 and 6 are fully satisfied. Burnswork was (1) a 'kenspeckle' rendezvous on the *recta via*, the great Roman way north and south through Annandale, (2) a hill not to be mistaken, with (3) a flat summit, (4) a 'borg' on the north slope, (5) a 'borg' on the south slope, both (6) supposed Roman and seven

¹ 'Borg,' says Mr. Streitfield in his *Lincolnshire and the Danes*, p. 175, 'was probably seldom applied except to rising ground used as a camp.' He cites two instances of 'Burgh' marking the sites of Roman camps. In Cleasby and Vigfusson's *Icelandic Dictionary* 'Borg' is interpreted to mean a fortification. Thorkelin's edition of the *Egla* sometimes, e.g. p. 131, renders the word as *arx*. The *Heimskringla* has many illustrations of its sense as an enclosing fort of timber and earth. It may be noted that at Carrawburgh (Procolitia) in Northumberland and Burgh-by-sands and Drumburgh in Cumberland, all on the Wall of Hadrian, as well as at Brough-under-Stainmore in Westmorland, a Roman camp or station in each case evidently took the name of *burg*. In the Anglo-Saxon Chronicle *geweorc* is the term given to Danish fortifications. In English, as Prof. Maitland says in *Domesday Book and Beyond*, p. 183, 'the word *Burh* meant merely a fastness, a stronghold.' Thus Brunanburh and Brunanwerch, plainly doublet forms, alike attest the *borg*, and Dunbrund, if not also Brunandune (p. 38 supra), may do the same.

centuries at least earlier than the age of Athelstan. More remarkable, however, is the fact that No. 7 is satisfied also, for, as the plan and section show, the south camp has much the steeper slope. And more remains. When a witness has proved so trustworthy as Egil has about the topography it is unwise to press him too far, yet how can we refrain from noting, what the gazetteer and the Society of Antiquaries alike so clearly show, that Burnswark has a tabular summit. Over 500 yards long from east to west and averaging 150 yards broad from north to south, the hill top is a plain by no means unfit to serve as the theatre of a judicial combat of the rival kings. It is a plateau on which 50,000 men could with ease be ranked. Is not this the 'heath' of the saga on which the lists of hazel were, according to Egil, set for the duel which was never to be fought, and on, over, and around which was fought not a duel of kings but a great battle of their armies?

The water mentioned in the saga is the rivulet¹ to the east, about a quarter-mile from the south 'borg,' a tributary of the Mein Water. The wood or 'skog' one might scarcely expect to find the signs of now, yet there are still traces of woodland; there is, less than a mile away, the farm of Hazelberry (on the north side of the hill), once perhaps in the wood from which challengers or challenged cut their hazel stakes; and beside it the 'skog' itself is perpetuated in the 'Shawhill.' The Ordnance map, therefore, bears out Egil's topography, and though 'Vinheith' as a name may have perished in the waste of time, of 'Vinuskog' itself as still existing an identification may be hopefully ventured.²

Criterion No. 8 however is, if the others be conceded, the most wonderful of all. The Saga tells of the burial mound piled on the battlefield—at once a monument of victory and a grave. If Egil can be trusted in anything whatever that concerns the battle, must he not be trusted about his brother's grave? Now the antiquaries of Scotland describe, as on the summit of Burnswark,

¹ This stream, which flows nearly due south along the foot of the east end of the hill, is shown in Pont's map of Annandale (*circa* 1608) in Blaeu's Atlas (1662), where there is a pretty faithful outline elevation sketch of Burnswark itself. The stream is brought out very clearly in relation to the camps in the plan forming Plate I. of Stuart's *Caledonia Romana* (1845).

² 'Vinheith at Vinuskog' was the name in the Saga. The fort-crowned hill, three miles over the moor from Burnswark, is called Minsca, a name singularly like Vinuskog, and still more suggestive in the older spellings—Minscaw in 1680 (*Inquis. ad Capellam*, Dumfries Retours, No. 304), and Minskaw, in Crawford's Map of Dumfriesshire, 1832.

shown on the plans and sections, a structure which must now arouse a keener interest by far than ever before. 'It is a tumulus 70 feet in diameter, standing at the highest point of the middle part of the plateau.' 'It stands 10 feet or more above the level of the outer circumference. A section was opened through the cairn from east to west, when it appeared that the cist had been destroyed. One stone 4 feet long and 2 feet 4 inches high remained in position and five others lay at hand which had evidently belonged to it, also some fragments of charred bone.' So wrote¹ Mr. Barbour in 1899. But in response to enquiry he kindly informs me that, on looking over his notes on the excavations, he finds that the word 'charred' is not there. The pieces of bone found, however, were broken up and reduced to very small fragments. This barrow is the only tumulus within the whole circuit of the fortifications in and around Burnswork. If criterion No. 8 is not—and all the others with it—a mere coincidence, what follows? There follows, with a definiteness which, considering the distance of time, is nothing short of amazing, the presumption that this lone mound on Burnswork, where 'the grass grows green on Vinheith'—the barrow raised on the plateau itself, nearly midway between the two 'borgs'—was Thorolf Skallagrimsson's 'howe', the place of his burial, over which, nearly a thousand years ago, his brother Egil sang his dirge.

That the flight of the shattered army of Anlaf was to Dublin is the unimpeachable evidence of the *Song of Brunanburh* in the Anglo-Saxon Chronicle.

The Northmen retired, bloody remnant from the spears,
In their nailed boats on the sounding sea
Over deep water they sought Dublin
And Ireland again, with minds cast down.²

That it was from Dublin he set out is happily certain also from the *Annals of Clonmacnoise*. 'The Danes of Loch Rie arrived at Dublin,' say these annals (under the year 931, editorially corrected to 937). 'Awley with all the Danes of Dublin and north part of Ireland departed and went over seas. The Danes that departed from Dublin arrived in England and by the help of the Danes of that kingdom they gave battle to the

¹ *Proc. Soc. Antiq. Scot.*, 1898-99, pp. 241-2.

² I quote the latest translation, that of Mr. A. O. Anderson in his *Scottish Annals* (1908).

Saxons on the plains of Othlyn,¹ where there was a great slaughter of Normans and Danes, among which these ensuing captains were slain, viz. Sithfrey and Oisle, the two sons of Sittrick Galey Awley Fivitt and Moylemorrey, the son of Cossewarre Moyle-Isa, Geleachen, King of the Islands, Ceallach prince of Scotland with 30,000 together with 800 captains about Awley mac Godfrey and about Arick mac Buth Hoa Dech, Imar the King of Denmark's own son with 4000 soldiers in his guard were all slain.'² And the *Annals of the Four Masters*,³ too, record not only the departure of Awley and his foreigners from Dublin on their passage to England, but also their return to Dublin the following year, evidently, although defeated, a menacing horde of plunderers still.

Egil's rune is read. Granted its topographical consistency and fidelity, what ensues? For the inference of veracity carries far beyond the geography of the battle. How far, is a deep question, and we must with Thorkelin, the old editor of the saga, say 'Historici dispiciant.'⁴ Egil has been found extraordinarily faithful in little things, and must henceforth be reckoned with also in great. It must be observed that Egil's statement that there was a cessation from harrying harmonises with the retiral of Anlaf from the territory of Athelstan recorded in the Yorkshire story. Egil's narrative, so minutely confirmed in one particular, although it may well magnify his share in the victory, may be full of sneers at Alfgeir, and may impute some lack of strenuousness to Athelstan himself, is yet far from discredited by any gross self-glorification, and its record of the encounter of diplomacy as well as of arms bears not a word that is out of keeping either with the time or the conditions of the event. Perhaps the students of Roman antiquity owe something to Egil for his unique confirmatory word on those 'borgs' to which, evidently made before then, Anlaf and Athelstan came in A.D. 937, and which thus, in a manner without parallel in British annals, enter for the first time

¹ Loch Rie is of course Lough Ree in the very middle of Ireland. The 'plains of Othlyn' have not been identified, but Burnswark stands in and looks down upon the flat riverside parish of Hoddum, anciently called Hodelme or Holdelm, the original diocese of St. Kentigern. The biographer of that saint describes it as *in planicie campi vocabulo Holdelm*. Othlyn is quite near enough to Hodelme for an Irish annalist. *Lives of Ninian and Kentigern* (*Historians of Scotland*), pp. 217, 219, 357, also *Bain's Calendar*, i. 280, etc.

² Quoted in the *Annals of the Four Masters*, *sub anno* 935.

³ *Sub annis* 935, 936.

⁴ p. 318.

the domain of written history. The first, but not the last—for in 1484 an English force probably used the north camp when they lay 'at Burnswarkhill' to aid the rebellious Earl of Douglas,¹ and in 1542, James V. from the hill top watched his army on its march to the disgrace and disaster of Solway Moss.² Egil is the first author on British history to mention the continued existence and continued service of earthworks, believed to be marching camps of Roman legions and footprints of their precarious conquest. And it is Egil who finally enables it to be said that there is no longer a problem to settle about the site of Brunanburh. His glowing story lends to Burnswork a splendour of early battle-tradition more romantic than romance, and beyond that of any other 'place of slaughter' in the red annals of our land. Waiting so long for its interpretation it may in the end turn that proud and solitary grave on the wind-swept plateau of Burnswork's grassy summit into a shrine of British history.

GEO. NEILSON.

¹ Godscroft's *House of Douglas*, ed. 1743, p. 374.

² Bain's *Hamilton Papers*, i. p. lxxvi.

Chronicle of Lanercost¹

THERE happened on Christmas day something to which I give a place here by way of a joke, and for the sake of an old saw that gamblers and loose livers always come to poverty. Now there was in the parish of Well, in the A.D. 1290. district of Richmond,² a careful, but profligate cleric, proctor for the rector. He kept unlawful company with the pretty daughter of a certain widow in the village, keeping her privately in the house of the absent parson, seeing that there was nobody who could restrain him from doing so. But when his bed was set in the great upper chamber of the mansion, his master's steward arrived unexpectedly, coming to this northern region to collect the rents of the churches, whereof, being at once ecclesiastic and King's chaplain, he had too many. The proctor, being obliged to make way for the steward, set about moving his bed; but, for the life of him, he could not think where to hide his bedfellow that she might not be seen. He placed her, therefore, in a secret, strong and vaulted, but narrow, cell under the entrance to the upper chamber, where he used to keep the rents and valuables of the church, because of the security of the place. The girl, when she beheld around her plenty of cash, nor could expect in any other way to provide a competency for herself, thrust into her bosom a bag containing ten marks, and pretending that she required to withdraw,³ requested the proctor, whom she called privily, to allow her to go out. He, suspecting no deceit, allowed this daughter of guile to depart; and on the morrow when he was obliged promptly to render account and acquit himself of what he had received, he found himself cheated by his whore, in consequence whereof he lost his appointment.

On the festival of S. Agnes an illustrious woman, the Lady Dervorguilla, ended her long life, relict of Sir John de Balliol,

¹ See *Scottish Historical Review*, vi. 13, 174, 281, 383.

² In Yorkshire.

³ *Simulata ventris necessitate.*

a woman eminent for her wealth and possessions both in England and Scotland, but much more so for goodness of heart, for she succeeded as daughter and heir of the illustrious Alan, sometime Lord of Galloway. She died at a great age at Castle Barnard, and was buried at Sweetheart in Galloway,¹ a Cistercian monastery which she herself built and endowed.

At the following Easter it happened in the city of Paris that, although the holy decrees of God's church declare that Christians shall not consort with Jews nor do them service, a certain woman, a daughter of Eve [and] handmaid to some Jews, being about to go to church on the holy day of the Lord's resurrection, adorned herself specially for the honour of God. Her master saw her and, perceiving her purpose, said—'Dost thou intend to go to church after the manner of Christians and take part in the vain ceremonies of your superstition?' As she did not deny it, he came nearer to her, commended her kindly, and freely promised to reward her if she would consent to keep the Lord's body, which she was to receive, uneaten until she returned home, so that she might show him what it was that the Church worshipped. The wretched woman agreed, being as flexible as a reed; and while she was attending the service, the enemy of Christ caused a multitude of Jews to be assembled, and, having revealed to them the impiety he intended, caused them all to await the return of the foolish woman. He ordered the upper table to be cleared and spread with a better cloth, and, when the mother of sacrilege arrived, he bade her place what she carried upon the white linen. When she obeyed the will of the wicked man, he, as if performing a legal ceremony, drew out a knife in sight of them all, and, exclaiming—'Behold what Christians call their God, and which we crucified!' struck what had the appearance of bread so violently that he thumped his arm on the table. Immediately there burst forth jets of blood, staining the table, the cloth, the hand, the knife and the garments of the bystanders, the flow of gore being more copious than from a human wound. All of them fled, terrified by the incident and seeking to hide themselves for fear of death, leaving the author of the crime alone with his household. He, after the manner of men, suspected some trick, and tried to wash himself with water; but directly the blood touched anything, it made it, not only bloody, but soaked in

¹ *Duquer*, i.e. *Doux coeur* or *Dulcis cordis*, so named by her because her husband's heart was there enshrined.

blood ; as with the table linen, so with the knife. At last, thinking to hide in a deep well the crime he had attempted, with wicked hands he plunged the Lord's Body, which makes the guardian angels tremble, into the abyss. But in vain, for it continued indestructible, floating on the surface of the water, which was now turned into blood, and causing the spring which had been flowing at the bottom, to fill the whole well to the very top. The gore increased its flow, turning all things that it reached into blood. The news having gone abroad, the wicked fellow was apprehended and, having been tried by the clergy, was remitted to the royal authority.¹ Each of them suffered judgment, for the woman was burnt to death. Friar W. Herbert, however, an eyewitness, tells another story, saying that the woman repented, went to the bishop, related the fact and was saved ; but the Jew was drawn, hanged and burnt because he refused to believe.

After these things, at the beginning of winter, King Edward proposed to sojourn in the northern parts of England, so that he might more readily communicate with the council of the Scots, and that his presence might strengthen the weaker parts of the frontiers of his realm. Setting forth, therefore, for this purpose with the Queen-Consort, his children and the court, and arriving near Lincoln, on the festival of the holy apostles Simon and Jude,² his wife departed this life. Her mournful obsequies caused the King to return speedily to London, where [her remains] received a place of sepulture in Westminster, with great ceremony and a notable assembly of nobles.

In this year the meek S. Francis revived the memorable truth of his acts of old, in order to spread the knowledge of himself in England. For there were living together about three miles from Oxford a young and well-born couple, in the fifth year after they had entered the marriage bond ; and as they were without offspring, they deplored themselves as if already half dead, despairing of an heir to succeed them. But the lady, yearning with desire for offspring, and laying the absence thereof to account of her transgressions, forthwith, impelled by faith, sought the sacrament of confession in Oxford, and laid open her life to one of the Order of Minorites. And when with tears she deplored her barren state and explained the love her husband

¹ That is to the secular arm for punishment.

² 28th October. The Queen did not die till 28th November, which date is correctly given in the duplicate entry on page 60.

bore her, the confessor, moved by piety and calling to mind the acts of the holy father, advised her to commend herself to S. Francis by a vow, and thereby, as he firmly believed, her desire would not be disappointed. The woman agreed immediately, and vowed that for the rest of her life she would abstain from all food except bread and water on the vigil of the saint, if through his merits she should obtain the wished-for fruit of her womb. She did according to her vow in the first year, and conceived, and before the return of the saint's festival she was delivered safely of two male twins, and thenceforward suffered no more from her former trouble.

For variety of matter may here be told what happened about this date in Cunninghame, a district of Scotland, which may frighten publicans and be a check upon tipplers. There was then, and still survives (albeit a changed man) a certain countryman in the said district, William by name, a man possessed of means, but inclined to stuff his belly with more than he ought. In truth, how slothful gluttony renders a working man! This one was in the habit of sneaking away from his own cottage, and in another village, as he could not have it at home, he would spend the means of other men in carousals¹ and drink, until he was checked by the divine hand in the following manner.

He was sitting alone by the hearth in the house of a certain publican, gulping down rather than drinking the beer he had bought, all the inmates of that house being busy in outdoor occupations, when there appeared to the fool an exceedingly hideous likeness of a spirit of the air seated opposite him, with a foul body, ghostly countenance, fiery eyes and of terrific dimensions. The disciple of Bacchus shuddered at the sight, but being bolder through drink, which makes even the unwarlike pugnacious, accosted him with an enquiry whose satellite he might be, or what business he had to be there. The other haughtily disregarding these questions, asked with a laugh who was the bold fellow who did not recognise him as the owner of a house in that place, who for thirty years past had held the foremost place among the toppers of that same tavern. 'And that I may not deceive you,' said he, 'come and see what I have stowed up from the gluttony of spendthrifts.' The other crossed the hearth without delay and beheld beside the spirit of deceit an open vessel crammed with abominations so

. ¹ *Symbolis.*

filthy, that they almost drove the foolish fellow crazy. 'These which you see,' said the minister of evil, 'I have collected from the vomit of thy companions in your revels.' Having his conscience thus awakened, although, as Solomon said, he had not felt the rod, and forewarned of the impending danger, William voluntarily made a vow to the Lord that he would never in any circumstances taste malt liquor again for the rest of his life, which [vow] he keeps inviolable at this day to the wonder of all his former acquaintance. He bears witness to all men of what he saw with his own eyes, and he told what is stated above to two trustworthy and religious men, with whom I am well acquainted.

The solemn obsequies of the Queen having been performed, whereat John Archbishop of York was present, between whom and the Bishop of Durham the King had endeavoured without success to establish peace, the Archbishop, having sought and with difficulty obtained licence, crossed the channel on the festival of All Saints¹ to go to Rome, and did so accordingly, and was honourably received by the leading men of the city and their retainers. Here he pled for the liberty and ancient rights of his church in the presence of the Pope; but how far he succeeded is not yet fully known.

Eleanor, Queen of England, died on the 4th of the Kalends of December,² at Harby. Her entrails were interred in the mother church of Lincoln on the fourth of the nones of December,³ and on the fourth of the ides of December,⁴ her body was buried at Westminster, and on the day before the ides⁵ her heart was buried at the [church of] the Preaching Friars of London; whereupon Henry de Burg wrote [as follows].

O reader pause and pray: 'Dear Christ, allow
No ill to vex her who is laid below!
How brief's the human span this Queen bears witness;
Pray for her soul, and mend thine own unfitness.
Nor birth nor worth nor wealth nor strength availeth
To ward off death, which over all prevaieth.
Mourn not too long: thou canst not by much weeping
Bring back her soul who in this tomb lies sleeping;
But pray that she abide with Christ in glory,
While here below her virtues live in story.
Long live the King, and prosper in achievment!
Would'st thou record the year of his bereavement?

¹ 1st November.² 28th November.³ 2nd December.⁴ 10th December.⁵ 12th December.

Write once a thousand and a hundred thrice,
Add them, and from the total take five twice.
Also the month and day thou must remember,
Queen Alianora died on fifth November.¹

Pope Nicholas the Fourth died on Easter Eve² after he had sat for four years and one month ; and the Church was without a head for three years and more ; where-^{A.D. 1291.}fore all was revoked that the Archbishop (who was returning home) had obtained by his presence at the Curia during two diets.

It happened also by God's permission on the same Easter Eve that Acre, a city of Galilee, which for so long had alone withstood by supernal protection the fury of the infidels, was taken and utterly destroyed, owing undoubtedly to the corrupt life of its citizens which wrought the ruin of the papal troops and also to the false and craven faith of the spiritual fathers, as the result of this affair clearly proves. All this [tends], as is believed, to the desolation of the Church in future and also to aggravate the ascendancy of the infidels, because it [Acre] was the last domicile of the Catholic Church in Asia, the sanctuary for all pilgrims and the chief market for merchants. Now whereas this city was a mercantile emporium as much for Christians as for Saracens, the traffic being by ships on one side and by beasts of burden on the other, whereof these people stood in no little want, and as access and return was secured by a truce, the knights whom the Pope commanded to remain there until the coming of the crusaders,³ used to behave cruelly to the Saracen traders, either by seizing their goods without payment or treating their persons with indignity, transgressing the law of kindness as if in zeal for the Christian law. When this was reported to the Sultan he civilly demanded of the Priors that, for the protection of the city, they would refrain from molesting his people and that they would hand over the wrong-doers to himself ; or, if they preferred it, that they would execute justice upon these men according to their own law.⁴ When this proposal had been made thrice to them,⁵ and they

¹ Wrong ; it was the 28th.

² 22nd April.

³ On 14th October, 1290, King Edward announced his intention to set upon another crusade, and received from Pope Nicholas IV. six years' tithes from England, Scotland, Ireland and Wales (*Fædera*).

⁴ An unusual example of fair criticism of the Paynim, by a Christian clerical writer.

⁵ The Priors of the Templars and Hospitallers.

continued to put the matter off, fearing, perhaps, to inflict punishment on the foreigners, there was sent at first a strong body of armed men, either to avenge the breaking of the truce or to execute the malefactors who should be surrendered to them. And when they laid siege to the city, not more than 15,000 men made a sortie against 100,000 of the enemy, and at the first onset cut down many of them, forced them to fly from the walls for about three mile, and took captive about five thousand of the rearmost fugitives. They performed this exploit before Palm Sunday.¹ The enemy, therefore, having had a taste of this bravery, increased their army so that it amounted to 300,000 light troops, investing the city once more and shooting so hotly against it that, as one who was there informed me, you might see the little arrows which they call 'locusts' flying in the air thicker than snowflakes. Those, then, who were in command upon the walls, perceiving that they could not hold the town for long against so many foes, determined by common counsel to make confession and receive the communion, penitently imploring help for their arms from the Lord, and that all should sally forth on the day of our common redemption, with ranks arrayed and the prisoners set in the van, and adventure their lives for the Author of life. And when they had so resolved with undaunted hearts and kindled faith, they sent to the Patriarch, who was in the place, that they might accomplish under his authority and with his blessing the purpose which they had begun. He, broken in spirit and depending on the advice of perfidious persons, replied that none should attempt this, nor open any of the city gates under pain of excommunication. Thus it came about that those who were outside, rendered more daring by what had happened, redoubled their bitter insults ; until, when the city had been taken, their patriarch and pastor—indeed their very idol—was the first to take flight with the other nobles and owners of great wealth ; and it is said that those defended themselves longest who had no desire on earth but to have justice and poverty. About a thousand of the religious were slain in the city with the common people, incalculable treasure was plundered, and so many arms of different kinds and such lots of jewels were divided as spoil as exceeded all the booty that the Saracens had won hitherto. Whereat they may greatly marvel who know that God had not changed, but had been alienated by transgression ; for He had promised that his servants should possess every place

¹ 15th April.

upon which they set foot; and yet He utterly deprived the worshippers of Christ of that land whereon he set his holy footsteps and gave it to the persecutors of the Church.

At that time King Edward, travelling to the northern districts for reasons above described, celebrated the Lord's Pasque¹ at Newcastle. For the glory of his renown, throughout the whole of his journey, he expended vast sums in oblations in monasteries, immense and unheard of charities in the streets; so much so that many persons of means, attracted by so liberal a distribution, blushed not to pose as paupers, although in the law courts they were at pains to show that they were others than paupers.

And when he had observed the Holy Pentecost² at Berwick, having after the festival of Holy Trinity³ clearly shown from many and different chronicles, both of Scotland and England, what rights he and his predecessors possessed in Scotland, he was acknowledged Lord Paramount of all Scotland by unanimous consent of the nobles,⁴ homage being done to him by all, and the sign manual of all being confirmed by their seals. The homage of the nobles was done in these words:

'Forasmuch as we have all come to the faith of the noble Prince, Sir Edward King of England, we promise for ourselves and our heirs, so far as that is within our power, that we shall be loyal and serve you loyally against all men who may live and die; and that so soon as we know of anything to the detriment of the king or his heirs, we shall oppose it to the best of our power. To this we bind ourselves and our heirs, which we have sworn upon the Holy Gospels. Moreover, we have done fealty to our Lord the aforesaid King in these words, each one for himself: "I will be faithful and loyal, and bear faith and loyalty to King Edward of England and his heirs, with life and limb and earthly honour against all men who may live and die."'⁵

He held this saisin peaceably until the creation of King John [Balliol], and he appointed his constables in all the castles and lands belonging to the King of Scotland.

He received there the news of the death of the queen, his mother, who died on the festival of S. John the Baptist.⁶

From the day of her conversion⁷ until her death, besides other liberal charities, she caused five pounds of silver to be bestowed upon the poor every Friday of the week, for the

¹ 22nd April.

² 10th June.

³ 17th June.

⁴ Norham, 5th June [Rymer's *Fædera*].

⁵ Given by the chronicles in what purports to be the original Norman French: but it is incomplete and incorrect. The date was 13th June, 1291.

⁶ 24th June.

⁷ She died a nun at Amesbury, in Wiltshire.

furtherance of her prayers and in adoration of the wounds of Christ. Forasmuch, therefore, as the king desired to be present at all the stages of her obsequies, her body was solemnly prepared and embalmed with spices, the funeral being deferred until the Assumption of the glorious Virgin.¹ But when her body was committed to the earth with much pomp, King Edward, with his own hand, gave his mother's heart, enshrined in gold, to her near relative, the Minister-General of the Minorite Friars for the time being in the Provinces, with these words :

'I commit to thee, as the nearest in blood to my mother, the dearest treasure I have ; and do thou lay it up honourably with thy brethren in London, whom she herself loved most of all in the world.'

At the festival of S. Michael² there was such rain over the whole of England and such floods as caused great trouble not only to farmers, but especially to travellers, because of the miriness and wetness of the roads. In many places also the lightning and thunder were extraordinary, whereof I shall here note an instance, known to not a few, and related to me by one who was there and saw.

There is a country village called Staveley, near Chesterfield, containing a stately parish church, wherein, while the priests were performing the service on the first Sunday after the feast of Angels suddenly, about the first hour of the day, the air became thick and dark, and by a single stroke of lightning much damage was caused all at once. For the lightning, entering from the east part of the choir by a window towards the north, defiled everything it touched along the northern wall with a black smoke, splitting the stones and loosening the joints of the couples. It killed one priest and injured the other in such manner that he lived afterwards as a cripple for not more than two years. Turning south at the end of the chancel, it blackened all the right side of the image of the glorious Virgin over the altar, and did to death a certain cleric who was kneeling in prayer at the right end [of the altar], having there performed his mass, so suddenly that it turned that part of his body which was nearest the wall from head to foot, together with his garments, into something like pitch, the rest of him remaining entire. Thence crossing westward to the bell-tower, which, with its roof, was all of stone, it shattered the cross-beams with a loud crash, and easily swept away the stone dowel with its great iron

¹ 15th August.

² 29th September.

spike. Such mysteries as these deserve to be shrewdly investigated at leisure and to be gravely considered.

In the same year King Edward the Fourth, son of Henry the Third, in the course of investigating upon whom the kingdom of Scotland should devolve by hereditary right, decreed that any one who claimed the aforesaid kingdom by hereditary right, should set forth his case so that he should have justice. The pleadings between them took place before the responsible deputies of the kingdoms of England and Scotland.

Concerning a certain Earl of Chester named Ranulph : this earl had a certain sister named Matilda, who had been married to David, the King of Scotland's brother.¹ This Matilda had by her lord David one son, who was called John, and three daughters—Margaret, the eldest, Isobel, the second, and Ada, the third and youngest.² Margaret afterwards was married to Alan, Earl of Galloway,³ who, by the aforesaid Margaret, begat one daughter, who was called Dervorguilla, afterwards married to Sir John de Balliol, whose son was Sir John de Balliol, who claimed and obtained the kingdom of Scotland, because his maternal grandmother was the eldest daughter of King David,⁴ who left no male surviving issue.

Isabella, the second daughter⁴ of King David, was given in marriage to a certain Earl of Carrick, who was called Robert de Brus,⁵ who also claimed the kingdom of Scotland in right of his wife, who was the second daughter of King David.

Ada, third and youngest daughter of the aforesaid king, was given in marriage to Henry de Hastings, father of John de Hastings, who claimed the kingdom in right of his mother.

But the aforesaid King Edward, having been informed of this, caused forty responsible persons to be elected for both realms—to wit, England and Scotland, twenty for one and twenty for the other, and directed them to examine the aforesaid question and other papers bearing on it, and to decide

¹ David, Earl of Huntingdon (1143-1219), third son of Prince Henry, second son of David I., King of Scots.

² She had three sons and four daughters.

³ He was not an earl (*comes*), but a lord (*dominus*).

⁴ Really the grand-daughter.

⁵ He was not Earl of Carrick, but fifth Lord of Annandale. It was Robert de Brus, seventh Lord of Annandale, who became Earl of Carrick in right of his wife.

which of the aforesaid [competitors] had the better right to the kingdom of Scotland ; and, that they might do this more thoroughly and assuredly, he gave them time for deliberation from the feast of blessed John the Baptist¹ until the feast of S. Michael.² When they reached that date, they determined that Sir John de Balliol had the better title to the kingdom of Scotland, and that it fell to him by right. When he heard this, my lord Edward, by common consent of the nobles and of the majority of the deputies, conferred the kingdom of Scotland upon Sir John de Balliol, who did homage.

In the same year Eleanor, formerly Queen of England and mother of King Edward, died, a nun, at Amesbury, and was there honourably interred. Her heart was buried in London on the feast day of S. Andrew³ and birthday of the said Eleanor; on which day all the archbishops, bishops, abbots and other dignitaries of the church, earls and many others were assembled.

In the same year, after Easter, Edward, King of England, held a Parliament at Norham, in the nineteenth year of his reign, concerning the affairs of the realm of Scotland, where the suzerainty of Scotland was adjudged to him and unanimously conceded by all the magnates of the aforesaid realm elected for this matter and closely examined upon oath, having touched the sacred gospels.

The land that groaned so long without a king
May now a joyful restoration sing ;
The folk whom anarchy did once oppress
Do now an honourable prince possess,
Able and anxious to redress all wrongs.
Scotia, distraught by lawlessness too long,
Is now, by English Edward's guidance, strong.
Strong and at peace ; each chief hath sheathed the sword,
Which he had drawn against his neighbour lord.
Let Scotia prosper, while, from o'er the border,
King Edward shields the cause of law and order.

In the same year, on the kálends of March,⁴ died my lord Ralph of good memory, sometime [Bishop] of Carlisle ; and the see being vacant Master John of Nassington⁵ was sent to Carlisle, etc.

In the same year a provincial council was held at York by command of the Pope, concerning the recovery of the Holy Land and the union of the Templars and Hospitallers.

¹ 24th June.

² 29th September.

³ 30th November.

⁴ 1st March.

⁵ In Northamptonshire.

Item, in the same year there was granted by my lord Nicholas, the Pope to Edward the Fourth, King of England, a tithe to be levied for six years upon all the goods temporal and ecclesiastical of all religious persons and upon all the spiritual goods of all the clergy, according to actual value [ascertained] upon oath throughout all England.

When the lawful inheritance of the kingdom of Scotland had devolved, after many pleadings and mature discussions, to Sir John de Balliol in preference to the rest of the competitors for the honour of governing the people of Scotland, on the appointed day, to wit that of S. Andrew the Apostle,¹ he was raised to the kingly seat at Scone, with the applause of a multitude of people assembled, the King of England's attorneys also taking part, and he set out for England to make personal acknowledgement of the honour he had received and perform the homage of fealty. A.D. 1292.

At this time Ralph, Bishop of Carlisle, departed this life at Linstock.² For being greatly fatigued by a long journey which he made in deep snow, returning from the parliament of London,³ he bled himself [on arriving] in the aforesaid episcopate, and when he was liberally refreshing his body, he desired to sleep. In his slumber the vein burst, and before he could be attended to he took leave of human affairs, deluged in blood and deprived of speech.

Also on the festival of the Purification⁴ my lord John of Peckham, Archbishop of Canterbury, died, who from the time of his consecration had abstained from eating meat, would have none but coarse garments and bed-clothes, surpassed all his associates and the ministers of his chapel in vigils and prayers, so that often he would light the lamps and candles with his own hands, and would not disdain other menial offices. Master Robert of Winchelsea, Archdeacon of East Anglia and doctor of theology, was elected in his place, whose consecration was delayed because the Apostolical See was vacant. Also on the Sunday within the octave of the Ascension of our Lord, which, in that year, fell on the third of the kalends of June,⁵ the city of Carlisle was burnt, so that the loss of the bishop was followed by the desolation of the people in this manner. Just as it is declared in Holy Writ that the ruin of the

¹ 30th November.

² In the parish of Stanwix, Cumberland.

³ Held on the morrow of the Epiphany, 1292.

⁴ 2nd February.

⁵ This is the 30th May, but the real date of that Sunday was 18th May. Hemingburgh gives S. Dunstan's day, 19th May, as the date of the fire.

people was caused by evil priests, which the Saviour confirmed by the cleansing of the temple, and as the aforesaid see [of Carlisle] was weakened by many vices, so that, as holy Job made observation, the heavens should reveal the iniquity of the people and the earth should rise up against them, [so] God caused a disturbance of the air, of the sea and of fire during the space of one day and night, and, what is more, there was an exercise of human malice. For such a furious wind arose as destroyed all vegetation, and either overthrew travellers afoot or on horseback or drove them easily out of their right course. There was also such a tremendous inroad of an unusually high tide as to overflow the ancient landmarks of the country [in a degree] beyond all memory of old people, overwhelming beasts pasturing along its shores and destroying the sown crops. Satan even caused the son of a certain man¹ to set fire to his father's house outside the town at the west end of the cathedral church, and this, escaping notice at first, soon spread over the whole town, and, what is more, it speedily consumed the neighbouring hamlets to a distance of two miles beyond the walls, and afterwards the streets of the city, with the churches and collegiate buildings, none being able to save any but very few houses. The fire, indeed, was so intense and devouring that it consumed the very stones and burnt flourishing orchards to the ground, destroyed animals of all kinds; and, which was even more deplorable, it burnt very many human beings of different ages and both sexes. I myself saw birds flying about half burnt in their attempt to escape.

The valuable contents of warehouses and treasuries were wasted there; but, which was more striking than the rest, the price of the timbers, glazing and stalls [of the cathedral] which a brigand rather than a high priest² had extorted from the purses of stipendiary priests, earning thereby ill-will and malediction; so that the flames devoured the sepulchre of that wicked extortioner, but the bounds of his predecessor, Robert de Chalix, remained uninjured in every part.³

¹ The son is said to have done so in revenge for being disinherited.

² *Prædo non præsul*, referring to Bishop Rafe de Ireton. For the offence given by his exactions see under the year 1280.

³ Hemingburgh states that the incendiary was taken and hanged.

(*To be continued.*)

Dalzell : An Ancient Scottish Surname

IN early days the shield of the Dalzells bore a naked man painted upon it, sometimes with his arms extended, at other times hanging from a gibbet.

Nisbet, the well-known herald, has recorded the tradition handed down among the Dalzells as to the origin of this device. He said it was meant to perpetuate the memory of a brave and dangerous exploit performed by one of their progenitors in taking down from a gibbet the body of a favourite and near kinsman of King Kenneth II. He gives the family tradition to the effect, that the King being exceedingly grieved that the body of his friend should be so disgracefully treated by the enemy, offered a great reward to whoever of his subjects would venture to rescue the body. No one would undertake the dangerous duty, but at last a man came forward to the King and uttered the word *Dalziel*. This, according to Nisbet and probably to the old tradition he relied upon, signified at the time 'I Dare.' The daring deed he duly performed to the satisfaction of the King. He received the promised reward. His posterity, when surnames came into use, took *Dalziel* for their name, and the English meaning of it 'I Dare' for their motto.

The tradition related by Nisbet may be partly true. It may not be correct in every detail as Kenneth II. lived and died long before the tradition was committed to writing, and before armorial bearings came into use. There is one point in corroboration that is interesting. On every shield or coat-of-arms of a Dalzell for five hundred years back, the naked man has been displayed. On one shield he is bespattered with large drops of blood. On another he is as hairy as a gorilla. In one solitary example has he any clothing, and that merely a pair of short breeches. Sometimes there is a gibbet or gallows with the man hanging from it, or the man may be there with only the rope shown. Generally, however, it is the man alone. On one shield he is brandishing a huge club. There is a curious coat-of-arms of one of the Earls of Carnwath. The man is bound, and bandaged round the eyes and waist and is hanging by a rope.

Nisbet said that he was told *Dalziel* meant *I Dare*. But, in the old Scots language, the Gaelic, which has given the names to almost every river, streamlet, hill, dale, and farm in the Middle Ward of Lanarkshire, *Dalziel* does not mean *I Dare*.

What it really means is 'the white holm' or 'beautiful meadow.'

This 'field of the sunbeam,' this white holm or dale, this *Dal geal*,

as it is in the Gaelic, gave its name to the mansion of Dalzell, to the church and estate and parish of that name, and a title to the Lords of that name for the last 281 years.

Naturally some other 'fields of the sunbeam' were so designed, as in the shires of Inverness, Ross, Argyll and elsewhere: but these Dalzells created no Dalzell surname. That honour was granted solely to the fertile little haugh beside the Clyde. For, when, eight centuries ago, the novel Anglo-Norman fashion of surnames demanded that landed gentlemen must have a surname, the occupant of the peel called the 'Place' of Dalzell—the common ancestor of nearly all bearing the name—would presumably blossom incontinent into De Dalzell.

In Clydesdale and Nethandale there are many holms or dals in addition to Dalzell, such as Dalquhandy, Daldhu, Dalgow, Dalpatrick, Dalserf, Daldowie, each having a distinct and special meaning.

An impossible derivation of the surname from that of an obscure bishop—Coelius Sedulius—is a quaint conceit of a Glasgow University professor in 1792.

Besides the usual additions to the *clan*, by marriage and by births, there was a curious accession to the ranks about one hundred and fifty years ago. I have been informed by a correspondent, although the accuracy of this statement I have not been able to check, that up till that period there were a few residents in Shetland called Yell, most likely after the island there of that name. The name of Yell did not seem to have satisfied the wearers of it, for when a merchant in Lerwick fixed the Dal before his name, all the Yells followed his example. They spell their name now Dalziel. Most, if not all, of the sea captains in the merchant service bearing that name are of the Shetland stock.

With regard to the forms of spelling the name in *present* use, the descendants of the Lord Dalzell of Dalzell, who was created in 1639 Earl of Carnwath, are among the many who favour the Dalzell form.

The descendants of General Thomas Dalzell of Binns, whose eldest son was created a baronet in 1685, are almost, if not altogether, the only users of the Dalzell variety. Dalzell is confined to the descendants of Professor Andrew Dalzell (died 1806), Edinburgh, and of his brothers. At one time this worthy professor spelt his name Dalziel, and when he elected to drop out the i, his students said: 'Why not? If thine eye offend thee, pluck it out and cast it from thee.' How the name of the parish has come of late years to be spelt Dalziel does not appear to be known. Many individuals, however, employ that particular form, whilst a few use Dalziell.

These five forms, Dalzell, Dalzell, Dalzell, Dalziel, and Dalziell, comprise all the forms in present use. The name of the estate upon which is the *white dale* or *field of the sunbeam* is spelt Dalzell, and so is that of the mansion of Lord Hamilton of Dalzell.

The modes of spelling this ancient Scottish surname were not always confined to the foregoing five forms. The following list compiled by me is not complete, although comprising no less than 220 forms.

Every spelling in this list has been carefully copied from a printed

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volume, a gravestone, a session register, or from other sources. They are not all given as actual signatures of Dalzells.

I.

Dalcall	Dalioll	Dalyeill	Dalzeil
Daleel	Dalizel	Dalyel	Dalzeile
Daleile	Dalizell	Dalyele	Dalzeill
Daleyell	Daljell	Dalyell	Dalzel
Daleyhell	Dalqel	Dalyelle	Dalzele
Daleyhelle	Dalsall	Dalyhel	Dalzell
Dalezll*	Dalscheill	Dalyhele	Dalzelle
Dalgell	Dalsell	Dalyhell	Dalzellmylne
Dalgheal	Dalselloch	Dalyiel	Dalzellus
Dalgiel	Dalselowe	Dalyiell	Dalziel
Dalhel	Dalsheill	Dalyzel	Dalzieli
Dalhiel	Dalsiel	Dalyzell	Dalziell
Daliel	Dalwell	Dalzael	Dalziels
Dalielius	Dalxiel	Dalzail	Dalzill
Daliell	Dalyale	Dalzall	Dalzul
Dalielle	Dalyall	Dalzeal	Dalzyel
Daliellus	Dalyeall	Dalzeall	Dalzyell
Dalielus	Dalyeel	Dalzeel	Dalzyl
Daligill	Dalyeell	Dalzeele	
Dalill	Dalyeil	Dalzeell	

II.

Dahlzell	Dallell	Dallyiell	Delsel
Dailghall	Dallichield	Dallzel	Delyel
Daillghall	Dalliel	Dallzell	Delyell
Daillieyeill	Dalliele	Dallzelle	Delzel
Dailyel	Dalliell	Dallziel	Delzell
Dailyell	Dallieyeill	Dallziell	Delziel
Dailzeill	Dallioll	Dallzle	Delzield
Dailzel	Dallyall	Dalzll	Delzielda
Dailzell	Dallyeild	Dalzlel	Delzille
Dailziell	Dallyel	Dallzlle	Dolezal
Dallayell	Dall Yell	Daylell	Dolezel
Dalleill	Dallyell	Delayauld	Dolyell
Dallel	Dallyiel	Deliell	Drlziel

III.

Alidiel	Daele	Daigheal	Dawzell
Dabnel	Daelem	Daill	Dayel
Dabriel	Daelen	Daniel	Dayele
Dabzel	Daell	Dashiell	Dayell
Dadizeele	Daeyell	Dassel	Dayelle
Dadizelle	Daielet	Dassele	Dayzell
Dael	Daighael	Dawzel	Dazal

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Dazall	Deell	Deyeale	Doyel
Dazeill	Deil	Deyell	Doyell
Dazel	Deill	Dezel	Dozell
Dazele	D'El	Dezele	Duell
Dazell	D:'El	Dezell	Dulyce
Daziel	Del	Dezille	Dyal
Daziell	Delius	Diail	Dyayell
Dazliel	D'Ell	Diel	Dyeale
Deaill	Dell	Diell	Dyel
Deal	Dellius	Dile	Dyele
Deall	Descheles	Dill	Dyell
Deaule	Devil	Dizll	Dyzell
Deayel	D——l	D. L.	Larzell
Deayell	Dewell	DI	Lazell
Deeil	Deyal	Doiel	Thial
Deel	Deyall		

J. B. DALZELL.

Reviews of Books

A CATALOGUE OF THE PUBLICATIONS OF SCOTTISH HISTORICAL AND KINDRED CLUBS AND SOCIETIES AND OF THE VOLUMES RELATIVE TO SCOTTISH HISTORY ISSUED BY HIS MAJESTY'S STATIONERY OFFICE. 1780-1908. With a Subject-Index. By Charles Sanford Terry, M.A., Burnett-Fletcher Professor of History in the University of Aberdeen. Royal 8vo. Pp. xiv, 253. Glasgow: James MacLehose & Sons. 1909. 10s. nett.

PROFESSOR TERRY has earned the gratitude of all students of Scottish history and of all Scottish librarians. In every branch of study the importance of good bibliography becomes more fully recognised, and the bibliography of Scotland still leaves much to be desired. Professor Terry has already done good work in this field; students of the history of Jacobitism are familiar with the admirable 'Bibliography of Literature relating to Jacobite History' appended to his book on the Rising of 1745. He has now completed with conspicuous success the task of recording the publications of the Scottish printing clubs. The purpose of his work is stated by himself as follows: 'In compiling this Catalogue my first intention was merely to select and display in chronological order the materials for Scottish history contained, and not infrequently concealed, in the volumes of Scottish Historical, Antiquarian, Archaeological, and Kindred Clubs and Societies. It was pointed out to me, however, that their publications lack a complete and detailed catalogue, and therefore I have expanded my original scheme. The present volume accordingly provides—(1) A Catalogue of the publications of Scottish Historical and kindred Clubs and Societies, including the Scottish publications of His Majesty's Stationery Office, from 1780, the date of the foundation of the earliest of them, to the end of the year 1908; (2) A Subject-Index to the materials revealed by the Catalogue as bearing especially, though not exclusively, on Scottish institutions, events, reigns, characters, and historical periods, civil and ecclesiastical.'

It is needless to dwell on the importance of the work performed by these Societies. The very essence of modern historical work is the application to history of the scientific method, the close criticism of the record, the ascertainment of the actual fact. The possibility of dealing with Scottish history in this manner is in no small measure due to the book Clubs and kindred Societies. It is the 'Dryasdust Societies,' as Carlyle used to call them, which have supplied the bricks with which many imposing historical

edifices have been built. They have rendered accessible an enormous mass of material, charters and public records, diaries, accounts, songs and lampoons, documents of every kind. Most of this mass has hitherto lain in chaotic disorder. The explorer has had to grope his way through it as best he might, the only guide to its contents being the bald lists printed in Mr. H. G. Bohn's Appendix to Lowndes, issued in 1864, which possessed neither notes nor a subject-index. Professor Terry now gives us an annotated list of the publications of all the Scottish Societies, from the foundation in 1780 of the Society of Antiquaries, still happily flourishing, down to the present time. He classes the Societies in three groups, which may be labelled pre-Waverley, Waverley, and post-Waverley. Among the pre-Waverley Societies the Society of Antiquaries stands pre-eminent, the importance of the Royal Society of Edinburgh being rather in the world of science than in that of history. The Waverley group remains the most important, including as it does the famous Bannatyne Club, of which Sir Walter Scott said that it was the only successful joint-stock company in which he had ever been concerned, the Maitland Club, the Abbotsford Club, the Spalding Club, and the Wodrow Society.

Professor Terry takes the year 1870 as the end of the activity of the Clubs of the Waverley period. In view of the wealth and variety of the publications of these Societies it might have seemed that there was little left to do in the same field, yet our own generation has seen a wonderful revival of similar work. Foremost among the post-Waverley Societies stands the Scottish History Society, which, starting in 1886 with the modest motto *Colligite fragmenta ne pereant*, has produced a series of volumes scarcely inferior in interest to those of the older societies. The Scottish Text Society has been equally successful in making our older Scots literature accessible to the modern reader. Among minor Societies it may be sufficient to note the work of the Scottish Records Society, so important to the genealogist, of the Edinburgh Bibliographical Society, which is slowly building up Scottish bibliography, and of the Ecclesiological Society, which has recorded so much of interest regarding Scottish Church fabrics, furniture, and services. Numerous local Societies are also actively engaged in studying and recording local history and antiquities. Professor Terry has included in his volume the publications of fifty-three societies, as well as those of the Convention of Royal Burghs and of the Stationery Office, among the latter being the Calendars of State Papers relating to Scotland, the Acts of the Parliaments of Scotland, the Register of the Privy Council, the Register of the Great Seal, the Treasurer's Accounts and the Exchequer Rolls. This great and varied collection of material has been completely catalogued, the more important entries including not merely titles but detailed collations, and in many cases editorial notes. Most important of all, there is a detailed subject-index to the whole volume. The book will be an indispensable working tool to students of Scots affairs, and will, we hope, be found as a matter of course in every well-equipped Scots library.

We only regret that Professor Terry has not found room to tell us more of the history of the book-clubs themselves, and of the men who founded

and conducted them. In the later chapters of *The Book-Hunter* John Hill Burton gave us some delightful sketches of the book-clubs and book-club men of his own generation. Professor Terry's prefatory note suggests that he might do as much for the book-clubs and book-club men of the last half century. We hope he will.

WILLIAM K. DICKSON.

THE BRUCE. By John Barbour. Edited by W. M. Mackenzie, M.A., F.S.A.Scot. Pp. xxiii, 547. Post 8vo. London: Adam and Charles Black. 1909. 5s. nett.

A CORDIAL welcome is due to this compact and scholarly new edition. Hitherto *The Bruce* has been accessible to the general public only in Jamieson's text; that of Professor Skeat, which is, and is likely to remain, the standard, being a Book Society publication. As to Barbour's life, literary relations, and language, Mr. Mackenzie follows trustworthy guides; his revision of the text, discussion of its integrity, and investigation of its historical value are original work.

For the text, Mr. Mackenzie rightly takes Skeat's edition as his basis, and treats his predecessor with becoming respect; but does not hesitate to differ on cause shown. Skeat follows the Cambridge MS., which is slightly the earlier and very much the more accurately written of the two MSS. extant; but which in grammatical forms, in its renderings of proper names,¹ and even in its use of capital letters, shows a southern, to our eyes a modern, tendency. The old printed editions, and the extracts in Wyntoun, afford various readings; and it is hardly conceivable that two independent judgments should concur in every instance. Mr. Mackenzie, where he departs from Skeat's text, is always plausible and, to my mind, generally right.

There is a resemblance, too close to be accidental, between the poem of Barbour, who died in 1395, and the Scots Alexander romance (translated from the French), which bears the date 1438. The German scholar who made known this fact in 1893 forbore to raise the question which his discovery could not fail to suggest—is *The Bruce*, as it has come down to us, the book which Barbour wrote, or, in part at least, the work of another? Long before 1438 Wyntoun had incorporated in his *Cronykil* passages from *The Bruce* in a text not materially differing from that of our MS. But it remains possible that other parts may have been rehandled. The two extant MSS. are dated respectively 1487 and 1489; the earlier bears to have been transcribed by 'John de R. chaplain,' and the other by 'John Ramsay.' The handwriting is very similar, and Cosmo Innes had already suggested that the two are the work of the same scribe.

Starting from these data, and having collected a number of parallels from Froissart, Chaucer, and more recondite sources, Mr. J. T. T. Brown in 1900 put forward, and very ingeniously maintained, the hypothesis that John Ramsay was himself the redactor of Barbour's poem; and, moreover, the

¹ For instance, the old name of Lough Larne in Ireland, Ulringfirth, is written in *C. Wavering Fyrth*, in *E. Wokingis Fyrth*. The latter is a simple clerical error, the former a sophistication.

real author of 'Blind Harry's' *Wallace*, and the same person as 'Sir John the Ross,' hitherto known only from Dunbar's enumeration of 'makars.' Dr. George Neilson promptly demolished this brilliant theory, its author not attempting to defend it ; indeed, apart from Dr. Neilson's arguments, the whole case presupposes the identification of the transcribers of C. and E., which Dr. Neilson rejected on palaeographical, as Mr. Mackenzie rejects it on linguistic grounds. Having myself compared the handwriting of E. with that of C. as represented in the *National MSS.* facsimile, I agree with Dr. Neilson, and am allowed to say that the Rev. John Anderson, who at my request made the same comparison, is of the same opinion. But the failure of one theory of redaction by no means puts the integrity of the transmitted text beyond dispute. In a poem like Barbour's, episodes unknown to the original author may well have been inserted by copyists on tradition. One such, the famous incident of the Douglas throwing the heart of the Bruce into the midst of the enemy whom he was about to attack, is not in the MSS. ; it is regarded as an interpolation by both Skeat and Mackenzie. Other such additions may remain undetected ; Mr. Brown seems to regard the account of the campaign of 1327 as mainly, if not wholly, later than Barbour. But it is rather in the poetical ornaments, learned allusions, and other graces of style that he sees another hand. His thesis, docked of the Sir John the Ross theory, fades into a vague suggestion, and Mr. Mackenzie has no difficulty in showing that it is supported by no adequate proofs. But when we find that Dr. Neilson, in refuting Mr. Brown, is compelled to ascribe the Alexander romance to Barbour himself, and to assign it a conjectural date sixty years earlier than that which it bears in the only shape in which it has come down to us, we cannot regard the conservative position as secure. Some day a 'vigorous and rigorous' criticism may draw a clear line between the original poem and the later accretions, and teach us to recognise their characteristic differences ; and then, as has happened in the case of more important works than *The Bruce*, the heresy of to-day may become the intolerant orthodoxy of to-morrow.

The most interesting and most laborious part of Mr. Mackenzie's work is his commentary, in which he shows by quotations from the records and chroniclers the relation of Barbour's narrative to the facts, and sets his value as a historian on a solid basis. Loose and occasionally confused narrative, avoidance of the less glorious episodes in the career of his twin heroes, mistakes in chronological sequence, are admitted ; but the notes to this edition bring out a multitude of details on which Barbour's information was minutely accurate, and successfully vindicate him in several cases where previous critics had pronounced him wrong. I add two cases of this kind which have escaped the editor. At p. 419 he states, following Mr. Joseph Bain, that Barbour has erred in placing Malise Earl of Strathearn among the English garrison of Perth in January, 1312-13, and his son among Bruce's followers at the same time. But Mr. W. A. Lindsay, in the introduction to *Charters of Inchaffray* (Scottish History Society) has shown that an English record has been misdated, and that Bain is certainly wrong, Barbour probably right. At p. 473 the inclusion of John de Soules among those who fell at Dundalk along with Edward Bruce is called in question.

But Mr. Mackenzie has confounded two different men. The John de Soules to whom his note refers died in France, as we learn from *Scotichronicon* and from a Melrose charter; while a John de Soules 'defunctus in Hibernia' was mentioned in a royal charter of 1320-21, of which a note is preserved in the Haddington MS., Advocates' Library.¹ Another instance shows Barbour for once as an accurate chronologer. The rupture with England in 1327 is by him made to follow closely on the death of Walter the Steward, which is usually (as by Mr. Mackenzie) placed in April, 1326. But Walter's appearances, as a witness to charters, prove that he really survived till 1327; Bower, the only authority, is confused, and can as easily be understood to assert that Walter died in 1327 as in 1326.

Mr. Mackenzie's *The Bruce* has already been adapted for educational purposes, and may become the received popular edition. Therefore it may be well to point out a few errata of a kind which no one can hope altogether to eliminate in a work dealing with so many details. Robertson's *Index* does not prove that Sir Adam Gordon received a grant of Strathbogie as early as 1309 (p. 428); whatever may be the meaning of the date 1309, written on the lost charter roll, that roll certainly contained charters as late as 1323. Robert de Keth was created marshal, but not *Earl* marshal (p. 441). Bamborough is not on the coast of Yorkshire (p. 447), nor is Gordon in East Lothian (p. 457). To translate *dies Sabbati* 'the Sabbath day' (p. 464), may be correct, but is certainly misleading to the ordinary reader. The want of an Index is, I am told, due to the editor's misfortune, not his fault, and will doubtless be supplied at the earliest opportunity.

J. MAITLAND THOMSON.

A SON OF KNOX, AND OTHER STUDIES ANTIQUARIAN AND BIOGRAPHICAL.

By James Fleming Leishman, M.A. Pp. xii, 121. Post 8vo.
Glasgow: James MacLehose & Sons. 1909. 3s. 6d. nett.

THE minister of the Parish of Linton has given in this little volume some half-dozen studies, chiefly in the biography of men who, in their day, had some influence on their time, but whose names are now more or less forgotten.

The most eminent of these is his kinsman and namesake, William Leishman, for seventeen years Professor of Divinity in the University of Glasgow, and thereafter from 1761 till his death in 1785 Principal of the College. It is a pleasant and interesting account of the life of a man who, though according to Jupiter Carlyle he did not shine in social conversation, was an able lecturer and a judicious and tactful Principal.

The essay which gives its name to the book treats of the career of Eleazer Knox, the younger son of the Reformer, who became in 1587 Vicar of the Parish of Clacton Magna in Essex. He did not hold the living

¹ This John was son of Nicholas, the 'Competitor' of 1291, and younger brother of William, the conspirator of 1320, who was not Nicholas' grandson, as Mr. Mackenzie supposes (p. 478), but his elder son.

long, as he died in 1591 ; nor is it even known whether he actually resided in his charge. Not very much, indeed, is known about him ; but it is interesting to learn that both he and his brother Nathanael were educated in England, and both held appointments in St. John's College, Cambridge. It is curious to find that Knox, who has been popularly considered as almost the founder of Presbyterianism, should have had both his sons educated in England, and that they should both have been members of the Anglican communion. But, as Mr. Leishman remarks, 'the question of Prelacy or Presbytery was one which had not arisen and he had probably never seriously faced.' It was left to Melville to consolidate Scottish Presbyterianism. Knox himself was too cosmopolitan to object to the tenets of the Reformed Church of a country to which he had many close ties. The interest of this notice of his son lies largely in this consideration, which Mr. Leishman has discussed with much ingenuity and force.

Henry Ker of Graden, one of the few good soldiers whom Prince Charles had in the '45, is the subject of a sketch which throws some fresh light on a little known character. He narrowly escaped with his neck, and died an officer in the Spanish service in 1751. Not the least valuable part of this notice is a pedigree chart of his maternal ancestry, deduced from the Spottiswoodes, given in an appendix.

Two historical papers on 'The Scottish Cannae or Flodden Revisited,' and 'The Dying Guisard' display skilful treatment of fascinating subjects, and form a fitting conclusion to a charming book, which will be enjoyed as much for its literary style as for the inherent interest of its contents.

J. BALFOUR PAUL.

WELSH MEDIEVAL LAW, BEING A TEXT OF THE LAWS OF HOWEL THE GOOD. By A. W. Wade-Evans, Jesus College. Pp. xcvi, 394. With Introduction, Appendix, Glossary and Map. Post 8vo. Oxford : Clarendon Press, 1909. 8s. 6d. nett.

EDITORS of ancient texts which survive in numerous and varying manuscripts are ever in danger of falling between the Scylla of a confected 'critical' text that represents no ancient authority at all, and the Charybdis of a 'diplomatic' reproduction of one particular version, errors and all. In his anxiety to save us from the difficulties involved in Aneurin Owen's well-known edition of the 'Laws of Howel Dda,' which is an extreme example of the former method, Mr. Wade-Evans has perhaps gone rather too far in the opposite direction, and in particular has spent a good deal of rather fruitless labour in reproducing trivialities that are in some cases of no obvious importance. But we may very easily forgive him for what only proceed from excess of zeal, especially as the families of MSS. of the Welsh laws represent varying types that can only be adequately compared when examples of each of the chief classes are set forth separately in print, and since the MS. which he has followed, MS. Harleian 4353, has the merit of being the oldest and most valuable text representing the type of laws, called by Aneurin Owen the 'Gwentian Code,' and with more reason by

Mr. Wade-Evans the 'Book of Cyvnerth.' Mr. Evans has rendered a really important service to scholarship in giving us an excellently printed, carefully edited and adequately translated version of this important manuscript, and that in a volume of such moderate size and price, that it will, so far as possible, be the indispensable text book for students of the Welsh laws, to whom the earlier editions are inaccessible.

The editor has not shirked labour, his 'analytical summary' and his 'index to the Welsh text' will in themselves save others a great deal of labour, though it is rather a pity that the latter was not enlarged to become a glossary of the whole text. The 'glossary' which is given is careful and useful, but by no means complete. Its omissions and the fact that no notes or explanations are appended to the text, deprive the student of the advantage of Mr. Wade-Evans' interpretation of many doubtful words and passages, and indeed leaves some portions of the translation rather unintelligible. What is wanted from the editor of a text, after the text itself, is an exposition of the meaning of that text, and from that point of view Mr. Wade-Evans does not take us on very much farther, though on particular points he has admirably shrewd and original comments to make.

Of the elaborate introduction, almost unqualified praise is deserved as regards that part which classifies the main groups of manuscripts of the laws. The survey of early Welsh history up to Howel Dda's time, which is appended to this, should be praised for its ingenuity and imagination rather than for its scientific value. Mr. Wade-Evans offers little evidence for his bold guesses, and reads into early medieval history, modern national ideals that are certainly not to be found in it. But even if his views were demonstrable, they might be objected to in this connexion as hardly relevant to the business in hand. He is on much safer ground when he points out the errors of a scholar such as Mr. Seebohm, by reason of his relying on late manuscripts, confused by editors with more authentic ones. Perhaps Mr. Wade-Evans will on some future occasion give us more of these early texts, for it is only by their publication separately, that the full lessons of the laws of Howel can ever be learnt.

T. F. TOUT.

THE RECORDS OF THE COMMISSIONS OF THE GENERAL ASSEMBLIES OF THE CHURCH OF SCOTLAND, 1650-52. Edited from the original manuscript by James Christie, D.D., with an introduction by The Hon. Lord Guthrie. Pp. xxx, 591, with portrait. Med. 8vo. Edinburgh: Printed by T. & A. Constable for the Scottish History Society. 1909.

THIS volume contains the third and concluding instalment of the Records of the Commissions of the General Assemblies which sat during the momentous period between the years 1646 and 1653. The material thus rendered accessible to students is of great interest and importance, and the Scottish History Society is to be congratulated on having withdrawn from



the hazards which inevitably surround manuscript records, one of the most valuable memorials of our national history.

The interest of these records is political and not religious. They contain hardly a trace of that enthusiastic devotion and extravagant zeal which are popularly associated with the Covenanting party, and display the other and more permanent side of the national character—its passion for logic, its legal point of view, and the grim idealism which led it to persevere in the logical development of its ideals with the aid of alien and inept instruments, and amidst constantly shifting circumstances. It must be a source of satisfaction to every student of political philosophy to find the entire mental force of a nation endowed with these qualities devoted for more than a generation to the logical development of a political theory. The importance of the Covenants is political, and long after their religious aspect has ceased to attract attention, they will form an important link in the chain of political thought and experiment which stretches from George Buchanan and the '*Vindiciae contra Tyrannos*' of Du Plessis Mornay to Locke and J. J. Rousseau.

Now, in these Records of the Commission of the General Assembly, and in particular in the present volume, there is to be found the almost perfect logical application to the facts of government and the equally logical development of the contractual theory of sovereignty which found expression in the Covenants. This theory set up against an infinite background of Divine Law which the Presbyterian divines called sometimes the Law of God and sometimes the Law of Nature, the conception of a contract between God and the nation in which the Divine protection is granted in exchange for the maintenance of the Faith. The King had no status apart from that which he obtained as participating in this covenant. The only king that the nation could lawfully acknowledge was a covenanted king. In the National Covenant the Scottish nation put this theory into practice. Owing to the fact that a spontaneous impulse against the Church of Rome at one stage and against Episcopacy at another gave the nation an apparent unanimity and unity, the difficulties that attended its adoption did not at first show themselves. But by the time which is covered by these Records these difficulties were only too obvious. The facts of the national history had moved far from the positions which the Covenanting theory involved, and the entire attention of the Commissions of Assembly was devoted to an attempt to force these facts into their correct theoretical positions. Whatever view may be held as to the honesty and worth of the Divines who as the standing Judicatory of the Kirk ruled the destinies of Scotland, it cannot be denied that they displayed a grim determination and an unflagging perseverance in attempting to carry their chosen political system into practice through a long period of years and against the growing forces of the future, which must evoke our admiration.

The present volume commences with the critical period which preceded the battle of Dunbar. The Commission of Assembly is jubilant, having forced Charles to enter the charmed circle of the Covenant, and thus concealed for a space the widening gulf which was forming between the

Covenanted and the rest of the nation. It is a mistake to imagine that the ruling party in the Commission was greatly interested in the reality of Charles' professions. As the Commissioners afterwards explained when the Protesters dared them to maintain the reality of the professions which the Engagers made as a condition of their employment, they were only judges *in foro externo* and treated the Covenants as legal instruments. They realised that unless they had a covenanted king, the patriotic feelings of the nation would break the bonds of the Covenants and accept a king by Divine Right alone. They were rulers eager to maintain their position as sole interpreters of, and referees under, a contract from which the king derived his authority and the people their political rights. Even after the defeat of Dunbar they were able to maintain the Covenanting conception of the limits of the nation—a conception which treated those who had either ignored the Covenants or been false to them in the eyes of the Church, as devoid of civil rights.

But after Dunbar the position of these outlaws improved: they had become necessary for the maintenance of the national existence. Before they could find employment, however, they had to take the Covenant which alone gave them, to use a legal phrase, a title to sue. They took the Covenant *in foro externo* and as a consequence divided the Ministers into Resolutioners and Protesters. The former treated the Covenants as legal and governmental documents and looked upon themselves as referees under the deeds, as occupying the constitutional position of a judicatory, while the latter treated the Covenants as symbolic documents and regarded themselves as directors of souls. The former desired above all things to preserve the national idea and allowed the Solemn League and Covenant to fall into the background only to be produced as a weapon of defence against the sectaries, while the latter cast patriotism to the winds and clung to their conception of the Covenants as bonds of union between the elect. The Protesters approached dangerously near to the Sectaries, while the Resolutioners who dominated the Commissions of Assembly successfully steered their course between 'the Shylla of Malignants and the Charibdis of Sectaries.'

It has been usual to treat the Protesters as Idealists and the Resolutioners as having fallen short of their calling and, in the words of the Assembly of 1648, as having 'joined hands with Malignants to suppress Sectaries, a joining hand with a black devill to suppress a white devill.' It is submitted that this is a mistaken view, and that the Resolutioners and the Commission of Assembly were the true guardians of the ideal embodied in the Covenants. That ideal was not exclusively religious, and in particular was not pre-eminently individual. The constitutional and governmental element could not be neglected without impoverishing the whole conception. As the Commissioners retorted to the Protesting Presbytery of Stirling which accused them of preferring the safety of the kingdom to the safety of the cause, 'We doe think that the Kingdome being in danger by the enemie the Cause also is in danger and the defending of the Kingdome will be the defending of the cause also.' 'Is anything less intended and persued by these men than the destruction

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of our King now in Covenant with God and his people?' 'And albeit in their invading of us they pretend to be only acting civil matters . . . yet certainly they cannot promise themselves securitie in their errours, so long as religion stands inteir in this Kingdom.' 'They are traitours to God and his cause—which stands and falls among us with the countrey.' In thus maintaining the wider significance of the Covenant the Commissioners enormously widened the scope of its application and extended its use as a governmental instrument. The idealist is surely he who carries his ideals most widely into the activities of common life, and in this sense the governing body of the Church deserves the name rather than the Extremists who withdrew themselves from their fellows and reduced the covenanting ideal to the level of those private bargains between the individual and his Maker with which Wodrow has made us familiar.

Throughout the whole period covered by the present volume the Commissioners had constantly to face the possibility of an uncovenanted national movement on the one hand and the reality of a sectarian invasion on the other. Placed between these two fires they conducted their affairs and maintained their claims with a calm precision, logical relevancy and continuity of policy which deserved better results, but their country was mentally, spiritually and physically exhausted, and gave way under their weight like an over-ridden horse. When Lieutenant Colonel Cotterel broke up the General Assembly in 1653, the last relic of national organisation vanished. But as the Commissioners in their places of retirement reflected on their doings during the past fifteen years, they must have realised with a grim satisfaction that they had exhausted their mandate. For Worcester marked the logical and inevitable conclusion of their theocratic ideals, and the future held no place for them. The unsatisfied Protesters were left to carry *their* theory to its logical conclusion on the moorlands of the South West.

DAVID BAIRD SMITH.

LIVES OF THE HANOVERIAN QUEENS OF ENGLAND. Vol. I. By Alice Drayton Greenwood. With two Illustrations. Pp. xv, 427. Medium 8vo. London: George Bell & Sons. 1909. 10s. 6d. nett.

THIS first volume of Miss Greenwood's work contains lives of Sophia Dorothea of Celle, wife of George I., and Caroline of Ansbach, Queen of George II. The former was never crowned, and never even saw England, and thus she has received but little notice from English historians. But her life-story was touching and pathetic, and as handled by Miss Greenwood it makes a biography which is distinctly pleasant. The authoress has evidently a thorough knowledge of her subject, and she has drawn considerably on German authorities. She writes throughout with admirable sympathy, and she wisely gives prominence to the more human details in Sophia's career. She does not, however, forget the unfortunate lady's historical significance, and she brings out well the 'sentiment of cousinly interest' felt by the Hanoverians in the exiled Stuarts, while

incidentally she illuminates Jacobite hopes and plans during the reign of Queen Anne.

In her life of Caroline of Ansbach, Miss Greenwood contrives to blend history with personal biography in rather a happy fashion. She rightly affirms that, though the facts concerning the queen are fairly well known, her character 'remains elusive'; and in consonance with this statement she treats fully of Caroline the woman, telling of her taste for music, of her friendship with various men of letters, and of her praiseworthy attempts to bring together the scattered artistic treasures of Charles I. In her standpoint towards the Hanoverian Government and Court the authoress is remarkably sane, and she ably augments Thackeray's scathing criticism, coming forward with hard facts to show the extravagance of George I., and the corruption common among his ministers. She makes no attempt to conceal the ugly domestic quarrels in which Caroline herself was a participator, but she certainly shows that, in a period containing these and many other things which were revolting, the queen stands out as one of the best and most attractive figures. She clearly manifests, likewise, that by her tact and winning manner, Caroline played a considerable part in the act of firmly establishing the present line on the British throne; and that, throughout her reign, she showed herself a very able politician, well able to judge as to what officials would best serve the interests of England.

Miss Greenwood has done a valuable piece of work. Of the two portraits she gives as illustrations, both are interesting; and the likeness of Sophia Dorothea should delight many, faithfully reproduced as it is from an exquisite mezzotint by Faithorne.

W. G. BLAIKIE MURDOCH.

THE ENGLISH FACTORIES IN INDIA, 1624-1629: A CALENDAR OF DOCUMENTS IN THE INDIA OFFICE. By William Foster. Pp. xlviii, 388. Medium 8vo. Oxford: Clarendon Press. 1909. 12s. 6d. nett.

THIS continuation of the valuable series of letters and reports received from India, from 1624 to 1629, is to be heartily welcomed. The present volume manifests the same admirable features to which attention has been drawn in previous notices of its predecessors. At the risk of repetition, students who are interested in the progress of the early British naval and marine services may be again reminded that these volumes are no mere 'dry as dust' continuations of the original documents, but that they give the spirit of the originals, often the very words of the writers. It follows that in many respects this series constitutes the sequel to the labours of Purchas—and it may be added that, for the purposes of the student, presents many merits, since the editing and condensation is scholarly, and not by any means performed in the somewhat haphazard manner of the compiler of the *Hakluyt Posthumus*.

The period from 1624 to 1629 was an interesting and important one for the English in India. The servants of the Company were beginning to recover from the shock of Amboyna, and with true British tenacity they resolved, if it was at all possible, to convert disaster into victory. Hence the time was mainly one of strife and struggle—that is its dominant note.

One direction in which the attempt to re-establish the Company's trade manifested itself was in the attempt to obtain a footing in Persia, but the factors were met by the opposition of the Portuguese. It is an instance of the shifting of international relations in the East at this time that the English and Dutch are to be found making a common cause against the Portuguese. Hence came several brisk actions at sea, the accounts of which constitute one of the features of great interest in the present volume. This is what will no doubt attract many readers ; but there is also the less sensational information, which is also of great value, in so far as we obtain a very detailed account of how the Company endeavoured to readjust itself to the great change in its fortunes. That part of its history, from the foundation to the Amboyna massacre, was one of great success on the whole. It was succeeded by a time of depression, and there is much to be admired in the sturdy spirit with which ill-fortune was encountered.

W. R. SCOTT.

THE SCOTTISH GREY FRIARS. By William Moir Bryce. With Illustrations. Vol. I. History, pp. xii, 492 ; Vol. II. Documents, pp. xii, 538. Imperial 8vo. Edinburgh : William Green & Sons, 1909. £2 2s. nett.

THE extant chartularies of many of the Scottish monasteries have enabled the reconstruction of their medieval history to be undertaken with some degree of success. In the case of the Mendicant Orders, the absence of these sources has discouraged historical students, with the result that hitherto no adequate modern study of the Friars in our land during pre-Reformation times has been attempted. Mr. Bryce has not been dismayed by this difficulty, and selecting the Franciscans, in some respects the most interesting of the four great Mendicant Orders, he has been fortunate in having knowledge of, and access to, original records, and these he has used to the full. The outcome is embodied in these two volumes, which call forth admiration of the industry and care with which the original documents have been laid under contribution, and acknowledgment that the history of the Grey Friars in Scotland may occupy greater space than at first sight one would think possible.

Franciscanism in Scotland has the advantage of being a comparatively unexplored subject and also of lending itself to some picturesqueness or treatment, and Mr. Bryce has spared no pains to make his work, not only exhaustive, but attractive. The fifteen chapters into which Volume I.—the historical portion—is divided, present, in the first place, a general account of the Scottish Grey Friars from the founding of the friary at Berwick in 1231, down to their final dispersion in the latter part of the sixteenth century. Secondly, a study of each house is given, and this is followed by a short sketch of the brotherhood of penitents, and by chapters on pastoral duties, poverty, procurators, manual labour and buildings.

The treatment is thorough, and while the author at times leaves something to be desired in the direction of simplicity, clearness, and compression, yet the result is, broadly speaking, a very valuable contribution to Scottish ecclesiastical history.

The second volume contains the *pièces justificatives*. Here a large collection of deeds and excerpts is published for the first time, and these original sources are supplemented by reprints of Papal bulls, charters and other writs all bearing upon the history of Scottish Franciscanism. Had the author done nothing more than bring together and print these, he would have deserved no stinted praise.

Turning to the first volume, one of its most valuable chapters is that which treats of the history of the seven Scottish *Conventual* friaries as the early houses were called, viz. Roxburgh, Haddington, Dumfries, Dundee, Lanark, Inverkeithing and Kirkcudbright. Equally interesting is the detailed account given in the following long chapter, divided into nine sections, of the houses of *Observant* Franciscans, established in the latter part of the fifteenth and beginning of the sixteenth century in nine of our larger cities and towns; these being Edinburgh, St. Andrews, Perth, Aberdeen, Glasgow, Ayr, Elgin, Stirling and Jedburgh. In these chapters we have many new facts stated and several obscure questions discussed. Thus, after a section devoted to the Conventual friary at Roxburgh, the author turns to the history of the house at Haddington. Here he traverses the statements of Bower and Major that the Church of the Franciscans was known as the 'Lamp of Lothian,' and maintains that the Parish Church was the real *Lucerna Laudoniae*. For this view authority is wanting and a dismissal of Bower and John Major in a question such as this is not easy. Reference to the prohibition of sumptuous buildings, and an assumption that this ordinance was strictly observed, are not enough. Major, a native of the district, who must have known the Church of the Friary at Haddington, is very specific in his statement. Local antiquaries, including Dr. Wallace James, have recently identified the Church of the Grey Friars with the 'Lamp of Lothian.'¹

On the frequent breach of the Franciscan rule by the building of 'the large and wide churches which religious persons, namely of the begging religions, make,' it may suffice to refer to Bishop Pecock's quaint defence of the practice, which was evidently only too common in his time. Considerations of comfort were clearly coming to the front in the fifteenth century, when a plea such as the following was seriously put forward—'ther bi' (*i.e.* by large and wide churches) 'the more multitude of persoones mowe be receyued togidere for to here theryn prechingis to be mad in reyne daies, and also that therbi in othere whilis the gretter multitudes mowen be the more eesid in her deuociouns making to God, whils thei stonden or sitten or knelen rombe fer ech from othir, and not oon such is nyz at an otheris cheke.'² The Franciscan Church is shown by the records to have been a really important edifice with four or five altars. Its total disappearance is after all not unparalleled. The buildings of the large and influential Cistercian Abbey at Cupar in Angus, to name only one instance, have, except a single gateway, entirely disappeared. The Church of St.

¹ *Transactions of Scottish Ecclesiological Society*, vol. ii. part iii. 1909, p. 394.

² *Pecock's Repressor*, Edited by Churchill Babington (Rolls Series), vol. ii. pp. 553-4.

Mary at Haddington, notwithstanding its beautiful architectural features, was never more than a parish church, which fact alone appears to be fatal to Mr. Bryce's contention that it was the veritable 'Lamp of Lothian.'

Mr. Bryce devotes several chapters to the general history of the Friars in Scotland and two chapters to the Friars and the Reformation. In them he comes forward as a vigorous champion of the Grey Friars, more especially the later and more strict branch 'de Observantia,' and by ignoring the sarcasm, which is very apparent all through the quotations given, an effort is made to enlist on behalf of the Friars the poets Dunbar, Lindsay and Henryson. These are really witnesses for the prosecution. Without entering upon controversial topics one may say in a word that the catastrophe which befel the ancient church, was in itself proof of failure to meet the moral and spiritual needs of the age.

The author is somewhat bitter in his criticism of the veracity of George Buchanan when before the Inquisition at Lisbon in 1550. While the great Scottish humanist was not inclined evidently to suffer as a martyr, still the Records of his trial show that he came out much better than the other professors. 'His behaviour,' the editor remarks, 'throughout that painful period was as prudent and proper as could be.' One does not feel concerned to justify every jot and tittle of the account given by Buchanan of the circumstances, extending over many years, which led to his strained relations with the Friars. But as M. Henriques says, 'in neither of the Records do we read the slightest insinuation against Buchanan's secular character. No one accused him of immorality, turbulence, or any other of the vices which, it is plain, were prevalent among the professors.'

In the account of the Conventual Friary at Dumfries, we notice that the author inclines to give credence to Dempster's statement, attributing the foundation to the Lady Dervorgilla, mother of John Balliol, and to assign the construction of the old stone bridge over the Nith also to her.

The friars first emerge as settled in Dumfries in or about the year 1264, and there is no evidence that John Balliol's mother had any hand in bringing them there. In truth, such indications as we have, seem to us to point in the opposite direction. Dempster's statement is quite unhistorical, while Wyntoun's silence when giving an exhaustive catalogue of the lady's benefactions is significant. The Charter by Princess Margaret, Duchess of Touraine and Countess of Douglas, confirming the right of the friars to bridge-tolls, granted in 1426 (now printed from the original, of which a facsimile is given) does not settle anything as to the author or date of the first grant.

Mr. Bryce has fallen into some confusion as to the position of the Observant Friary established in the latter half of the fifteenth century at Glasgow. From a note, Vol. I. pp. 344, the inference would be drawn that the lands of Craigmak, forming the southern boundary, lay to the *east* of the High Street, the fact being that they were *west* of that street. As to the two additional strips of ground to the west acquired in 1511 for the enlargement of the Friary buildings and gardens, that gifted by the Archbishop being the north-most portion, was 22 feet in breadth, and the south-

most portion granted by the Rector was 20 feet wide. Mr. Bryce has reversed the measurements as given in the Diocesan Registers.

On page 349 the statement is made that in an article in this Review (Vol. III. pp. 179-193) the writer 'assumes that the lands of Haghill were the site of the Friary' at Glasgow. The text and the plan accompanying the paper show that the site of the friary is correctly indicated, as 'situated immediately to the west of Greyfriars Wynd, 'now known as Shuttle Street.' As to Friar Baxter, the last pre-Reformation Grey Friar in Glasgow of whom we have a record, it may be suggested, as the writer of the paper does, that his renunciation in 1560 of the heirship of his brother Robert, and the assignation of the leasehold land in Haghill granted in favour of his kinsman, Mr. Robert Herbertson, were, like many other conveyances at the period, the outcome of the policy '*do ut des*' which was often acted upon in troublous times. Mr. Bryce looks upon it as gratuitous and granted on the eve of Friar Baxter's departure from Scotland, but the view that the conveyance was part of a final organized effort to secure more active and influential protection for Church property in Glasgow (including the Friary) than old Friar James Baxter was able personally to give, and that his emigration had not then been finally decided upon, is quite tenable. The Mass was not formally abolished in Scotland until some months afterwards.

One notes with pleasure the evidence which Mr. Bryce brings forward of the zeal of the Grey Friars of Stirling, the last Observant Convent founded in Scotland, in accumulating a library. 'Payments of sixty-three shillings for forty-eight skins of Flanders parchment, and of eight shillings and sixpence for twelve native skins' in 1502, are proofs that amid other more material furnishings the conventual library was not lost sight of. Fifty pounds recorded in the treasurer's accounts as paid for books sent by the Cistercian Monks of Culross and Austin Canons of Cambuskenneth, to these Franciscans, as also other payments of a like nature, are additional testimony in this direction.

In the second volume, among other interesting documents, we have a photographic reproduction of the Obituary Calendar of the Grey Friars of Aberdeen. Although this has been already printed by Mr. Howlett in Volume II. of *Monumenta Franciscana*, and also by the Spalding Club, yet the facsimile is welcome, conveying as it does the exact appearance of this unique Scottish Franciscan document.

We have not space to refer to the many other writs bearing on the Grey Friars gathered together by Mr. Bryce. The volumes are profusely illustrated, but of course few of these illustrations have any distinctive Scottish significance. The paper and type are excellent, and there is a sufficient index. The work reflects credit upon its author as a study upon a large scale of a religious order which played an important part in the history of medieval Scotland.

JOHN EDWARDS.

88 The Clan Lindsay Society Publications

THE PUBLICATIONS OF THE CLAN LINDSAY SOCIETY. Vol. II., No. v.
Edited for the Board of Management by John Lindsay, M.A., M.D.
Pp. 76. Demy 8vo. Edinburgh: printed by John Lindsay, 304
Lawnmarket. 1908. 1s.

IN the autumn of 1897 a meeting was held in Edinburgh, at which a Society was formed for the purpose of bringing together persons bearing the surname of Lindsay, especially those descended from Walter de Lindissi the progenitor of a clan, many of whose sons stand out illustrious in the annals of history. The year following saw the first of the annual gatherings, which have since taken place without interruption, appropriately held at the seat of the Chief of the Clan, and by a happy coincidence, that particular year marked the 500th anniversary of the creation of the Earldom of Crawford, conferred on the gallant Sir David Lindsay of Glenesk. His combat with the Lord Welles on London Bridge remains one of the most delightful episodes of bygone chivalry.

That the formation of this Society was justified, is amply proved by the large attendance at the annual gatherings, many of its members travelling from distant parts of the globe in order to be present, a typical illustration of that loyalty to kindred and country so peculiarly strong in the Scot. How deep this feeling can be, was shown by the Earl of Crawford at the inauguration of the Society, when he expressed himself in these words, 'the meeting to-day is the meeting of a family,' and a passage from a speech by an American Lindsay, chairman of the 1904 gathering, is also worth noting, being to this effect, 'there is something wonderful in the strength of blood, as shown by the fact that a man like myself, who, figuratively speaking, has been away 300 years, can appreciate Scottish blood still.'

The object of the foundation of the Society having been attained, it was but fitting that a record of its meetings, together with matter relating to the clan and its members, both quick and dead, should appear in print, and since 1901 these publications have been issued, wrapped in the armorials of the House *gules a fesse checquy argent and azure*. To Mr. W. A. Lindsay, K.C., Windsor Herald, a distinguished member of the clan, fell the honour of editing the first number, to which and its successors he has contributed several learned articles, as also extracts from early parish registers. He was succeeded by the present editor, Dr. John Lindsay, another able contributor of much valuable historical and genealogical information relating to the clan. It might be presumed that as so much has already been written about the Lindsays, little remained to be told, but this is not the case, as appears by, *inter alia*, the articles on 'The Barony and Castle of Kilbirnie,' 'Glasgow and the Lindsays,' and biographical accounts of Dr. William Lauder Lindsay and James Bowman Lindsay, philosopher and scientist. Memoirs also of those of the clan who have passed away since the formation of the Society, naturally form part of the publications, and among them we note those of Lord Wantage, V.C., and Captain M. W. H. Lindsay. These memoirs, together with the obituary notices and record of current births and marriages, should prove of value in the future. Five numbers have so far appeared, and we look forward to seeing many more.

KEITH W. MURRAY.

Thomson : Coldingham Parish and Priory 89

COLDINGHAM PARISH AND PRIORY. By A. Thomson, F.S.A. (Scot.).
Pp. xxv, 300 and Appendix. 4to. With Maps and Illustrations.
Galashiels : Craighead Brothers. 1908. 21s. nett.

FROM the title of this book one might be led to think that it is merely a parish history. But the writer has attempted more than this, for he gives a historical and topographical account of the district anciently known as 'Coldinghamshire,' comprising several of the modern parishes in the eastern part of Berwickshire. Mr. Thomson set himself no easy task when he sketched out the extent of ground he intended to cover, but with a considerable amount of assistance from willing helpers he has produced a volume which will be welcomed by those who are interested in the locality.

An account of the settlement in Berwickshire at the end of the eleventh century of a colony of Benedictine monks from Durham is of much interest to the student of Scottish history. The disputes amongst record scholars concerning the authenticity of the early charters of King Edgar, granting to the Monastery of Durham their lands in Berwickshire, have now lasted for upwards of two hundred years, and probably the last word has not yet been said; and as the controversy has raged around the question of the early independence of the northern kingdom it will likely be revived from time to time.

To the late Dr. Raine, Secretary of the Surtees Society, we are indebted for the publication of the valuable records of the Priory of Coldingham which are preserved at Durham. The fine collection of charters and other writs in his *History of North Durham*, taken in connection with his volume of the correspondence and account rolls published by the Surtees Society, must always form the foundation of the history of this religious settlement. Some excellent examples of the Old Scots vernacular are to be found among the letters of the Priory, and there is in the same volume a very interesting rental of lands and possessions, dating from the thirteenth century, giving many valuable details of the rents and services of the tenants.

The Priory of Coldingham was a wealthy establishment, and formed one of the richest possessions of the Church of Durham; consequently it formed an object of envious regard to the sovereigns and nobles of the northern kingdom. The position of the prior and monks was not an enviable one during the Scottish Wars of Independence. Situated as they were, a body of peace-seeking Englishmen in a hostile country, they had to seek favour and protection at many hands; and latterly, in the fifteenth century, when they committed their fortunes to the powerful family of Home, they received but scant justice in many of their transactions.

Mr. Thomson has undertaken his work with much industry and has consulted a large number of authorities. But in many instances he has quoted from these too profusely, and in others has not exercised much critical faculty. Some obvious mistakes are to be found in his notices of the priors, and a total misapprehension of the tenure of drengage is to be found on page 108. His book is evidently written for a wide circle, and

contains too frequent flights from ancient history to very recent events, and much chronicling of many little things of merely local and passing interest. The volume is handsomely got up and is copiously illustrated. There is an excellent series of maps, and an interesting collection of documents is gathered together in the appendix.

J. A. BROWN.

THE CAMBRIDGE MODERN HISTORY. Planned by the late Lord Acton, LL.D. Edited by A. W. Ward, Litt.D., G. W. Prothero, Litt.D., and Stanley Leathes, M.A. Vol. XI. **THE GROWTH OF NATIONALITIES.** Pp. xl, 1044. 8vo. Cambridge: The University Press. 1909. 16s. nett.

WHEN he presented the late Lord Acton's Library to the University of Cambridge, Mr. John Morley wrote to the Chancellor, 'It was collected by Lord Acton to be the material for a History of Liberty, the emancipation of conscience from Power, and the gradual substitution of Freedom for Force in the government of men.'

The growth of nationalities in Europe, a moment in that progress, is the subject of this volume, and in its composition the principles which Lord Acton laid down for the construction of his history have been faithfully followed. He meant it to supply help to students, not material for history. As he prescribed, the chapters are short, each is complete, and they have been distributed among such a number of writers that every part of the history is written as it is known to the man who knows it best. There are no second-hand studies. There is neither discussion, nor parade, nor needless utterance of opinion. No reader will easily tell without turning to the list of authors where any writer laid down his pen, or who took it up. The parts have been 'planed down and made flush.' This volume is the work of twenty-nine separate writers, each of them well qualified to speak with authority on the subject allotted to him, and they have had the assistance of thirteen others no less trustworthy. The names of the three eminent scholars who are the editors complete a guarantee of almost unrivalled excellence. Their admirable preface sketches broadly and firmly the events treated in detail in the volume.

Of the three generations which followed Waterloo, the first and the last had almost unbroken peace. But the second was a generation of violent disturbance. It is of it that we have here the record. Beginning with 1841, the first chapter gives an account of Great Britain and Free Trade; of the vast economic changes brought about by the spread of railways and the repeal of the Corn Laws; of 'the two great events in the religious history of the XIXth century,' the Tractarian crisis and the Disruption of the Scottish Church, with a curious (and perhaps prophetic) instance of the glorious uncertainty of the law, in the contradiction, in the latter case, between 'the highest legal opinion in Scotland' and the decisions in the Scotch Courts and the House of Lords; the Irish troubles; and the social legislation of the period, down till 1852. The history then turns to France and describes the events that led to the Revolution of 1848. The third chapter is devoted to Liberalism and Nationality in Germany and Austria;

the fourth to Italy in revolution. In the fifth we return to France and the second Republic. Then we have the story of the temporary reaction which followed the 1848 revolutions; the failure of nationalistic efforts, though not of hopes, in Piedmont and in Prussia; the collapse of the second French Republic; the quelling by Austria of the national insurrection of the Slavs in Bohemia and, with the help of a Russian army, of the Magyars in Hungary. The complicated interrelations of the German States, and the rising rivalry of Prussia with Austria, are described with fullness and precision; and a chapter is devoted to Switzerland, telling its history from the beginning of the century till the time when its very diverse races, tongues, and religions were joined in Federal unity. We then go back to accounts of Russia under Nicholas I., France and the 'Napoleonic ideas,' and the events immediately preceding the Crimean war. A chapter is devoted to that war, and another to the last years of Whiggism and the parliamentary reform of 1867; and then the story pauses to describe the English literature of the whole period covered by the volume. Later there are separate essays on German, Hungarian, French, Italian, Russian, Bohemian and Polish, Dutch and Flemish and Dano-Norwegian literature, in special relation to the national movements of the time.

Italy's progress to unity under Cavour and his successors; Germany's under Bismarck; the quick advance of Napoleon from Presidency to Empire; his precarious glory and sudden downfall; and France's heroic struggle of 1870 against overwhelming force, are fully set forth. The course of revolution in Spain and Portugal; Russia and the Levant after the Crimean war; Belgium and Holland; Rome and the Vatican Council; are severally treated. There is a history of India and Afghanistan from 1815 to 1869, followed by accounts of Great Britain's new colonial policy, of the federation of Canada, of the English and Dutch in South Africa, and of the development of Australia. The volume closes with a most valuable chapter on the Far East, telling, first, of China and her intercourse with western Powers; and, second, of Japan, from Commodore Perry's arrival before Yedo Bay in 1858 till the accomplishment in 1871 of that revolution to which, as is truly said, no parallel can be found in the history of any country.

There are added a Chronological Table, a satisfactory Index, and a Bibliography with between three and four thousand references conveniently arranged 'to bring home,' on Lord Acton's plan, 'to every man the last document and ripest conclusions of international research.'

In a work of such magnitude a mistake or two are almost inevitable. There are very few. Some trifling ones are noted on a slip of *errata*. Some, as on page 263, which might have been there, have escaped notice. We read on page 273 that the Russians built a fort at Verni 'between the lakes of Baikal and Issik-Kul.' But Lake Baikal is two thousand miles from the scene. Perhaps Lake Balkash is intended. In chapter xvii. the account of Maximilian's end is so brief as to be misleading, and there seems to be some confusion when it is stated that Napoleon, by either reinforcing his army or by recalling it, would deprive himself of troops he needed in

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Europe. On page 476 Juarez is, erroneously, degraded to the rank of *vice-president*. A little further on the Duke of Augustenburg is promoted to that of *king*, though whether of Denmark or Schleswig-Holstein is not clear. But such imperfections in the text may be due to the 'planing and making flush.'

It would be difficult to overestimate the value of this great and fine piece of work. Lord Acton hoped that almost every page of his history would be a light to every reader. So far as this volume is concerned his hope is justified.

ANDREW MARSHALL.

THE LAW AND CUSTOM OF THE CONSTITUTION. By Sir William R. Anson, Bart., D.C.L. In 3 vols. Vol. I. Parliament, 4th Edition. Pp. xxvi, 404. Demy 8vo. Oxford: Clarendon Press. 1909. 12s. 6d. nett.

THE work of which this volume forms part has for upwards of twenty years held an unquestioned place as the most authoritative manual on the practical working of the British Constitution; and it is likely to maintain its position for many years to come, for its author has spared no pains to attain to accuracy and to keep his information abreast of modern developments—a task completed for the moment by the publication of this fourth edition of his standard volume upon 'Parliament'—revised editions of the second and third volumes having previously appeared. References have been incorporated to the most recently published works, and also—in as uncontroversial a spirit as the nature of his material allows—to such burning questions of the day as the Commons' Resolution of June, 1907, and the Lords' rejection of the Licensing Bill. Some of the rare inaccuracies of expression of earlier editions have been here corrected. The misleading statement relative to Magna Carta, 'that representation is a condition precedent to taxation, and that the law is the same for all freemen may be regarded as the cardinal principles of the charter' has been toned down; and an inconsistency has been removed from page 192, by the substitution of 'lords' for 'peers' in the description of these bishops and 'law lords' who have seats in the Upper House. On page 238, on the other hand, the Lord Chancellor would seem to be included twice over in the ideal House of Lords as reconstructed by the Select Committee of 1908; since, though taking his seat as one of the 'qualified hereditary peers' he is specially named under another head, along with the four Lords of Appeal in Ordinary (who, doubtless for the sake of brevity, are here described merely as 'Lords of Appeal'). It is of more importance to note that the severe restraints imposed by the author on himself in the interests of conciseness, occasionally lead him to make statements that would be less liable to misapprehension if more fully elucidated. On page 268 occurs, for example, the bald statement, anent a bill relating to Supply, that 'though it needs the concurrence of the Lords, it cannot be amended by them on its way to receive the royal assent'—a proposition which needs to be qualified by the addition of some explanation of the nature of the non-legal 'sanctions' on which alone it depends. It is difficult, however, to find much to cavil at in any part of

Sir Wm. Anson's monumental work of massive learning. From its very bulk and weight, from its severe compression and impersonal tone, from its conscientious desire to treat with equal and laborious fullness every part and aspect of a complex subject, it cannot be expected to form inspiring reading, nor is it fitted to awaken the enthusiasm of the tyro. Yet it is a work to which every student, every politician, and every statesman, desirous of condensed, well-arranged and reliable information, will gratefully turn.

WM. S. McKECHNIE.

THE CAMBRIDGE HISTORY OF ENGLISH LITERATURE. Vol. II. THE END OF THE MIDDLE AGES. By A. W. Ward, Litt.D., F.B.A., and A. R. Waller, M.A. Pp. xii, 539. Medium 8vo. Cambridge: University Press. 1908. 9s. nett.

THE second volume of the Cambridge History of English Literature, covering as it does the fifteenth century, a period neglected by most critics, comes as a real boon to hard-working students of literature. And yet it is not easy to pass a simple judgment on the book. Perusal of it leaves behind it a distinct feeling of dissatisfaction. Is one to judge it by standards appropriate to a dictionary of literature, or by those of aesthetic criticism? Or again, is it comparable to such work as Taine and Jusserand have done, apparently in the same field and with similar intention? It seems not unfair to call it a literary hybrid, with the dictionary strain predominant.

Yet there is much admirable work in it. Professor Manly's critical analysis of *The Vision of Piers the Plowman*, and his discovery of five distinct strata of poetic work would suffice to give the volume notoriety, if not distinction. Whatever the ultimate conclusion of the argument may be, the author deserves well of scholars in middle English literature, and his success is the more remarkable because his controversial point has in no way deprived the chapter of its use for ordinary students. Nor is this the only triumph of American scholarship in the book. No doubt their subjects have helped Mr. Padelford and Mr. Gummere to much of their interest; still the fact remains that the chapters on transition song collections and ballads, make most attractive reading. If that on song collections does nothing more than send readers to the neglected Percy Society publications, it will have been sufficiently justified. The volume also contains admirably comprehensive essays—not necessarily of any real originality—on education, and the early history of English printing, while Mr. Whitney's work on Wyclif is a most useful statement of present-day scholarship on Wyclifitism. Compendia such as this ought to correct the overestimates of the more popular hand-books, and it is well to have such a matter as Wyclif's connection with the translation of the Bible, stated with firm moderation: 'We can say that Wyclif, as centre of the movement, was, probably, the source of its energy; more we cannot assert as yet. It is likely that, when this history is made out, the importance of pre-Wyclifite translations, fragmentary and incomplete, will appear greater.'

Many of the remaining chapters fulfil the conditions of the successful compendium—steady jog-trot work, necessarily unoriginal, and usually

based on more elaborate modern works. No doubt Professor Saintsbury's work rises out of the dead level by virtue of the author's occasional vehemence, and that emphasis (here somewhat repressed) on his well-known prejudices which his readers expect from him as a matter of course. Mr. Murison's chapter on Hawes, also is distinguished from the rest, but rather because it seems to spoil the general idea of proportion in the volume. Mr. Murison's work is quite faithful and industrious, if a trifle immature in style, but surely there can be no valid reason for allotting sixteen pages to Hawes, while the whole subject of ballads receives only eight pages more. For the rest, the undergraduate working for degree examinations, or the general reader whose time does not permit him to read adequate monographs on the various subjects, will have their wants supplied here more readily than elsewhere. It is, perhaps, possible to find fault with several of the chapters for a looseness of construction. Professor Gregory Smith's safe and steady pages on the Scottish Chaucerians, or Miss Greenwood's very readable contributions on English prose, ought surely to have been planned on some more complicated system. To treat in simple succession the various authors falling to their share, is to surrender a little too unconditionally to the dictionary instinct. One does not blame the authors so much as the system of which they are a part. For—and this is the verdict on the volume and the whole enterprise—this Cambridge venture violates the tradition of previous English criticism. It does not pretend to the æsthetic stand-point of the greater essayists; it can show no philosophic basis such as that on which Mr. A. C. Bradley founds all his literary work; it naturally cannot add, as the greater historians of literature do, one consistent personal view to the changing and dislocated details of literary facts. There is science and there is art. Hitherto England has claimed literature as a department of art; this history applies to it the tests and methods suitable to science.

J. L. MORISON.

A HISTORY OF CANADA, 1763-1812. By Sir C. P. Lucas, K.C.M.G., C.B. Pp. 360, with Eight Maps. Demy 8vo. Oxford: Clarendon Press. 1909. 12s. 6d. nett.

THE appearance of this history of Canada by Sir Charles Lucas is most opportune. It covers indeed a limited period from 1763 to 1812, but this is really the period of the making of Canada, and is the period of most interest, though not of her fuller development. Some years ago the government of the Dominion established a Department of Archives, and Dr. Brymner and his successor Dr. Doughty have with great industry and judgment collected from every available source anything bearing on Canadian history. Sir Charles has made full use of these authentic Archives as well as of documents in the Colonial Office.

While all parts of the volume are very interesting, we single out the chapter, 'On the Causes of the American War of Independence, and the Quebec Act,' in which are discussed the relations of the revolted colonies with Canada as well as their bearing to the Mother Country. Various judgments have been passed upon the Quebec Act, which appointed

a council somewhat similar to that of the old régime and accorded important privileges to the French population, granting them the maintenance of the civil law of France, as under the 'Coutume de Paris,' while it also secured the religious orders of the Romish Church in their rights.

It was then impossible to grant to Canada, in the utter disparity of its population, a representative legislature. But if we may estimate the virtue of an Act by its results, the Quebec Act was eminently successful, for it made the French population most loyal subjects of the British Crown.

At a subsequent period after the War of American Independence there was a large influx of English-speaking people into the Maritime Provinces and the Western Part of the Province of Quebec, and it was deemed advisable to divide Quebec into the Provinces of Upper and Lower Canada, granting them each a legislative assembly with a lieutenant-governor under one governor-general. Sir Guy Carleton recommended that the large Province of Quebec should be united with the Maritime Provinces, constituting a federal union. This recommendation, however, was not accepted by the home government. Canada was fortunate in having a succession of able and judicious governors—General Murray, Sir Guy Carleton, and Sir Frederick Haldiman—and it would have been well had the British Cabinet accepted their advice.

The hollowness of the debates in the British parliament, as well in regard to the Quebec Act as to the subsequent Grenville Act for the division of the provinces, now seems remarkable. Chief Justice Smith wrote a noteworthy letter to Sir Guy Carleton, then Lord Dorchester, who forwarded it to the home government, pointing out the inadvisability of dividing the Province of Quebec, and urging the formation of a confederacy with the Maritime Provinces. Later circumstances proved the sageness of this advice, and it might have been well if Lord Durham, at whose instance Upper and Lower Canada were reunited, had urged the union with the Maritime Provinces, and had thus partially anticipated the Act which constitutes the present Dominion.

Sir Charles discusses these subjects with clear judgment, and his conclusions may be accepted with confidence. He seizes the principal facts and presents them with great clearness.

GEORGE FERGUSON.

A SUBSIDY COLLECTED IN THE DIOCESE OF LINCOLN IN 1526. Edited by Rev. H. Salter. Pp. xvi, 348. Demy 8vo. Oxford: B. H. Blackwell. 1909. 10s. 6d. nett.

IN 1523 the Convocations of the Provinces of Canterbury and York granted to King Henry VIII. a half-year's revenue of every benefice in England. The Act of the Convocation of Canterbury orders each Bishop to certify the Archbishop of the true and just value of his Bishopric for the past year, 'et similiter de beneficiis'—which seems to mean that every beneficed clergyman was to make a like return to his ecclesiastical superior. It appears indeed, from the present editor's preface, that such returns were in fact made for each of the five years over which the payment of the

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subsidy was spread ; but no record of these valuations having been published till now, it has hitherto been assumed that the payments were really made, as usual both in England and in Scotland, on the basis of the valuation framed in the thirteenth century.

The present publication comprises an account of the collection of one of the annual instalments over the whole diocese of Lincoln. The values do not widely differ from those ascertained a few years later by Royal Commissioners, and published in *Valor Ecclesiasticus* ; but the two were assessed by different authorities, and not quite on the same principle, and each includes particulars not found in the other. The *Valor* is fuller as to the religious houses ; the Subsidy Roll gives a complete census not only of Incumbents, but of all clergy doing clerical duty in each parish. The editing is, so far as I am qualified to judge, a sound and scholarly piece of work ; we may hope that similar records relating to other dioceses may yet be discovered. The Roll shows that smaller livings paid not a half but a third of their yearly value, and some religious houses only a fifth. These abatements are not authorised by the Act as printed in Wilkin's *Concilia* from Lincoln Episcopal Register ; further particulars may well lie buried in other such Registers—an additional reason for wishing more power to the elbow of the Canterbury and York Society.

J. MAITLAND THOMSON.

RACIAL PROBLEMS IN HUNGARY. By 'Scotus Viator.' Pp. xxvii, 540. With Illustrations and ethnographical map. Med. 8vo. London : Archd. Constable & Co., Ltd. 1908. 16s. nett.

THIS able book is a by-product of Mr. Seton-Watson's studies for a history of Austria-Hungary from the Congress of Vienna to the present day, in the course of which he found himself at every step confronted with the problem of nationality, and came to the conclusion that the racial question in Austria, of which much is heard here, is less difficult and less important than that of Hungary, of which our newspapers give no account at all. Essentially it is testimony given on political conversion, for by the overwhelming evidence here set out at great length and marshalled with admirable skill, the author has been convinced that so far from deserving their reputation for liberty and tolerance, the Magyar caste which dominates Hungary and provided the recent Coalition Government, wilfully and of set policy oppresses the non-Magyar nationalities in open defiance of the fundamental and still unrepealed statute of 1868, which guarantees to them equal rights and, in particular, pledges the state to provide primary and secondary education for them in their mother tongue.

The evidence on which this conviction rests is not scanty nor is it inadequately stated, for the book is large and full of matter. The first 200 pages contain *inter alia* a sketch of the history of Hungary from the earliest times, an account of the rise of Magyar nationality, of the stirring events of 1848 and of the subsequent period till 1867 (the date of the *Ausgleich* between Austria and Hungary), and a general statement of the treatment which the nationalities have received at the hands of the Magyar clique during the period since that date. The remainder of the

book is devoted to a detailed review of the chief institutions of Hungary—education, administration and justice, association and assembly, franchise and the press—as they affect the racial question and, in particular, the lot of the Slovaks which is taken as typical of the others. It contains also three charming articles by native authorities on Slovak Popular Art, Poetry and Melodies which show that the Slovak has a culture very far from despicable. The sober judgment, the orderly arrangement and the skill in marshalling complicated facts, for which chapter and verse is everywhere given either in foot-notes or appendices, are beyond all praise, and they make one wish that these merits were commoner in English works dealing with foreign politics. But with the mass of evidence it is beyond the competence of a mere reviewer to deal. We can only say that Mr. Watson seems to us to have made out a convincing case set out so soberly, so reasoned and so well-documented that even a Magyar apologist would be constrained to admit his success, and to seek to justify his Government's policy on some ground of political necessity, of which we would like a full statement.

From various indications scattered through the book we believe that the apologist would found on the peculiar geographical situation of Hungary and the struggle for existence between the Magyar and non-Magyar cultures which goes on within its borders. The gibe of '*Simplicissimus*' that the Hungarian is the only European who can govern with a minority of 45 per cent. is, as this book shows, not far from the truth. For of the nineteen and a quarter millions inhabiting the political state of Hungary, and consisting of seven distinct and important nationalities, the Magyar element accounts for rather less than eight and a half millions and yet possesses all the political power. The non-Magyar races are the Germans, the Slovaks, the Roumanians, the Croats and Serbs, and certain minor races, numerically unimportant, and, as it happens, they inhabit territory lying towards the Hungarian border and completely encircling the great central plain which is the home of the Magyar proper. Of these nationalities every one has racial, linguistic and, in some cases, political affinity with a distinct and vigorous nationality across the border. Surrounded, then, within its own borders by elements racially foreign to itself and akin to others which are politically foreign to both, the ruling Magyar minority has for more than a generation embarked on the enterprise of uniting this mosaic of nationalities into a unitary national Hungarian (by which is meant Magyar) state. But the Magyar himself has no native power of assimilation. He has no racial kin in Europe. His language, which is also that of the Hungarian state, possesses many beauties, but is not surpassed in Europe for difficulty, and is not commended by any economic value to non-Magyars. Not merely in Austria, but even in great tracts of Hungary itself it is not understood.

Assimilation then would seem to be a policy foredoomed to failure, for nearly all the non-Magyar languages are spoken (either in Hungary or without) by populations in many cases far out-numbering those of the Magyar themselves. Nevertheless it is the avowed object of the endeavours, for the Government suspects on the part of the nationalities separatist

tendencies, which, Mr. Watson convincingly argues, are enormously exaggerated where they are not actually invented for the purpose of justifying repression. With assimilation the object, the method, in the circumstances, must needs be coercion. Its chief manifestation is in the Magyarisation of the schools. Magyar was in 1904 the language of instruction in all but one of the 1822 primary schools and in all but one of the 38 state gymnasiums, and yet seven million inhabitants are ignorant of the state language. The policy is further shown in an antiquated and illiberal franchise, in electoral corruption and manipulation, and particularly in the revolting persecution of the non-Magyar press for the purpose of reducing it to bankruptcy or subservience. Further instruments are the absence of rights of association and assembly and local maladministration. By these methods the nationalities are kept in subjection or at least held at arm's length from political power. Yet neither the policy nor the methods have succeeded in converting the nationalities into good Magyars, for as Mr. Watson shows from Government statistics, the genuine Magyars are beginning to lose ground. In the thirty years from 1870-1900 they have suffered a net loss of 195 communes, while the Roumanians have made a net gain of 298 and the Slovaks at the expense of the Ruthenes a net gain of 175.

The introduction of universal suffrage which cannot long be delayed in Hungary, now that it has been achieved in Austria, will of course further endanger the Magyar hegemony. And then they will be driven to revise their barren policy. Into the alternative schemes based on recognition of the nationalities we have no space to enter, but with the list of necessary reforms, which does not necessarily undermine the superiority of Magyar culture given by Mr. Watson on pp. 409 *et seq.*, no fair-minded modern European would be disposed to quarrel. And moreover it would satisfy the demands of the nationalities themselves.

Mr. Watson, as we mentioned, deals in detail with only the grievance of the Slovaks. That those of the other nationalities are not less clamant is shown by the remarkable document written in four languages and circulated among the members of the recent International Congress at Budapest by the General Roumanian Association of Physicians. It justifies the abstention of that body from participation in the Congress as a protest against the treatment meted out by the Hungarian Government to its Roumanian subjects. It affords confirmatory evidence of many of the statements which Mr. Watson makes regarding the lot of the nationalities. The Memorandum declares that in Hungary freedom of the press exists for the Magyars alone, and that in the last two years the attempt to print what they think has cost the Roumanian subjects of Hungary cumulative sentences of imprisonment amounting to 182 years and fines amounting to 300,000 crowns. A reasonable ground for abstention !

A. H. CHARTERIS.

THE STORY OF IONA. By the Rev. Edward Craig Trenholme, M.A., of the Society of St. John the Evangelist, Cowley. With illustrations from photographs and drawings by Frances M. Richmond, and maps. Pp. xvi, 173, 40 plates, 9 illustrations in text, 4 maps. Edinburgh : David Douglas. 1909.

ALTHOUGH this book deals with what is to a large extent a well-worn theme, it unquestionably fills a gap. There is no one book which covers the same ground. The unique importance of the island of Iona certainly demands that it should have an adequate and readable history which should omit nothing of consequence. And this is what Fr. Trenholme has provided in the volume before us. He has also fully described the island itself, besides giving a good summary of what is known of Celtic monasticism without overweighting the book with it. He traces the history of the island and of the monastery from the early days of St. Columba and his immediate successors through the time of the Danish invasions and the later Celtic period to the foundation of the Benedictine monastery and the erection of the existing cathedral. While original research is hardly to be looked for in a book such as this, and is indeed not required, the untiring industry and cautious judgment of the writer is well exhibited in his thorough knowledge of all that has been written on the subject and the balanced way in which he sets forth his conclusions. In his careful study of place-names and identification of the various sites we have a successful excursion upon what seems to be hitherto untrodden ground.

The architectural description of the cathedral and some of the other buildings might perhaps have been fuller, and we should have been glad of the writer's views on the vexed question of the recent restoration. As so many illustrations have been given, including views of rocks and scenery, we think a few more reproductions of the monuments and stones might have been included. It seems ungrateful, however, to complain, as the illustrations are many of them so very good, and the descriptive list of the stones appears to be complete. In touching upon the connection of the diocese of the Isles with the Norwegian metropolitan See of Throndhjem, we could wish Fr. Trenholme had done a little more to unravel that tangled story. There is a useful bibliography of the literature relating to Iona, and a good index completes a most admirable example of what a local history should be.

F. C. EELES.

THE BOOK OF THE OLD EDINBURGH CLUB. First volume, pp. iv, 164, 24, with plan and illustrations. Edinburgh : printed for the Club by T. & A. Constable. 1908.

THIS volume is very welcome. It does work which was well worth doing, and it does it well.

Mr. Bruce H. Home's provisional list of old houses remaining in the High Street and the Canongate of Edinburgh, illustrated by a carefully prepared plan, preserves a record which future historians of Edinburgh will value, and which makes us wish that we had access to as exact information in former days. So much has been demolished within the last thirty

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or forty years that it is rather surprising to find so many old houses still standing, and round a number of these linger many historical associations.

The remaining contents of this volume are papers on the embalming of Montrose; the Pantheon, an old Edinburgh debating society; the sculptured stones of the Barony of the Dean, and especially of the House of Dean; and the buildings at the east end of Princes Street and corner of the North Bridge.

This volume is not issued for the general public, and the three hundred members of the Club are to be congratulated on their good fortune in having an opportunity of procuring it. We shall look forward with interest to future issues in this series.

We are glad to see Mr. Lang's strictures on M. Anatole France collected and reproduced in a French rendering. *La Jeanne d'Arc de M. Anatole France* (8vo, pp. 163, Paris, Perrin et Cie, 1909, price 2 fr.) carries the war of criticism to the heart of the enemy's territory. Our readers know that the lines of attack are vital. Besides the general onslaught on the Frenchman's standpoint, there is a particular and not less general assault upon his inaccuracy of method and infidelity to his references, as evinced by an appendix of twenty pages of what are politely called 'petites rectifications.' One's first impressions of fitness in severe historical study are a little upset—perhaps unjustifiably—by a dedication to Mark Twain, whom one hardly looked for in that gallery. Incisive criticism, however, inspired by an intense spiritual under-purpose, gains by the lightness of touch and satiric humour which set off Mr. Lang admirably in his French attire.

Theodore Roosevelt, Dynamic Geographer, based on a lecture delivered to the School of Geography, Oxford University, March 8, 1909, by Frank Buffington Vrooman, F.R.G.S. (Frowde, Oxford University Press, MCMIX., pp. 105, 2s. nett), is much too dynamic for the *Scottish Historical Review*, and seems amply of itself to disprove its own proposition that the American individualist self-centre is void of oversoul. That commodity abounds in this soaring eulogium.

Another Milton off-print from the British Academy reaches us in a part containing, besides George Meredith's tercentenary lines, the oration of Dr. A. W. Ward and a summary of Sir F. Bridge's address on Milton and Music. Dr. Ward's is a great tribute; it is that Milton answered to his own criterion, and that his master-striving was to be himself a true poem.

Professor Firth's lecture on *Edward Hyde, Earl of Clarendon, as Statesman, Historian, and Chancellor of the University* (pp. 28, Clarendon Press, 1909, price 1s. nett) delivered in Oxford in February last, is a brilliant exposition of the art of conveying, with the most careful brevity and forcefulness of language, a clear impression not merely of a great man, but of his time and his importance for it. The figure of Clarendon appears in well-defined outline as the statesman of sane constitutional conservatism: as the great historian whose portraits of the men of his age have made that age to throb with life: as a chancellor to his Alma Mater whose power

enabled him to further her interests in manifold ways, and as an interesting and many-sided personality. His letter of farewell to the University is a triumph of simplicity, proud humility, and affectionate respect.

The Essay closes with an urgent recommendation to the University, as the most fitting celebration of the tercentenary of Clarendon's birth, to complete the publication of his papers and to print a new edition of his life.

Reprinted from the *Aberdeen Journal* of 16 June, 1909, is 'An Aberdeen Parliamentary Broadside,' by Mr. R. Murdoch-Lawrance. Election literature, even in Reform times, makes tough reading, and this journal of squibs in 1832, when Alex. Bannerman carried the day against Provost Hadden, is no exception to the dreary rule.

Re-Union; the Necessary Requirements of the Church of Scotland (Edinburgh, J. Gardner Hitt, 1909, pp. 91) strikes an impartial observer as not particularly minded to promote the Re-union which is its theme.

The English Historical Review (July) prints early charters of Bury St. Edmunds (1066-1154), edited by Mr. H. W. C. Davis. Mr. C. Perkins re-examines the Knights Templars, finds their guilt not proved, except perhaps on the score of unorthodox tenets on confession. Professor Smart searches the conditions in 1815 which led to the Corn Law of 1815. He negatives, or at least regards as much too narrow an estimate of the causes, the current view that the high protective duty on grain was carried by the landed interests combined against the rest of the community. An interesting series of representative contemporary utterances shews the mixture of class on both sides of the discussion, and the considerable play of economic authority in the argument. But Professor Smart concludes notwithstanding that 'the country, apart from the landowning class, was dead against the bill.' A very important textual paper by Miss Foxcroft edits several sections of an early recension of Bishop Burnet's *Memoirs of the Dukes of Hamilton*. They will be found often lively and controversial, and of critical interest for the variations from the printed version, and for their bearing on the essay in our columns (*S.H.R.* iv. 384) by Mr. Robert Dewar in 1907 concerning 'Burnet on the Scottish Troubles.'

The April *Reliquary* begins an article on Conjurers, shewing them as frequently a mid-link between magic and legerdemain. Illustrations from classical and medieval literature of conjuring go far to establish the persistent unity of its manifestations. Other pictures render, in addition to two re-used Roman sarcophagi, several examples of work done by the Cosmati, a family guild of architectural marble cutters in Southern Italy, also Roman *fibulae* armlets, and implements from Deep Dale, Buxton, and interlaced pre-Norman crosses from Rutland and Yorkshire, a portcullis windlass from York itself, and two East Anglian fonts.

The *Rutland Magazine* for April, besides county annals, epitaphs, bell inscriptions and pedigrees, has a note on 'Horn Fair,' an old usage in part of the shire, more familiar elsewhere as 'Riding' the Stang.

In the issue for July the editor, Mr. G. Phillips, has a paper of great local interest, being a laboriously-compiled list of the Sheriffs of Rutland, with very few breaks from 1155 to date.

The Berks Bucks and Oxon Archaeological Journal, edited by the Rev. P. H. Ditchfield, is a never-failing store-house of the history and antiquities, and especially of the ecclesiastical architecture, of three shires. The July number has diversified local notes and queries, including a page on the connection between the poet Swinburne and the Oxfordshire parish of Shiplake.

In the *Juridical Review* for April, Mr. Hamilton Grierson concludes an essay, under the title of 'An Example of Legal Make-Believe,' assembling many out-of-the-way facts of antique usage and modern savage life in the practice of adoption. On the frontier of law and folklore, and deriving from both, this study illustrates how ethnology bears on the history of some legal institutions.

Mr. Bernard Gomme's *Index of Archaeological Papers published in 1907* (8vo, pp. 70, Constable) usefully registers the contributions to certain antiquarian societies, and greatly facilitates reference to the activities of British archaeologists.

In the *Transactions of the Baptist Historical Society* (April), issued by the Baptist Union Publication Department, a first sketch is given of a bibliography of Baptist literature between 1648 and 1673.

The Genealogist for July has pedigree papers on the families of Kekewich, Tindale, and Nevill of Herts. It has also the beginning of a memoir of Major-General G. Wrottesley. In a list of licenses to pass from England beyond seas appears one Scottish entry dated 20th October, 1624 :

"Jno. Ross (24), son of Alexander Ross, of Marr in Scotland, to Somer in France, to remain there."

A variety of heraldic matter, marriage licenses, certificates of arms, inquisitions *post mortem*, and abstracts from the Prerogative Court of Canterbury (1559-60), are among the other contents of this always exact and well appointed periodical.

The Home Counties Magazine (quarterly, 1s. 6d. nett), now taken over by Messrs. George Bell & Sons, and edited by Mr. W. Paley Baildon, is a pleasant and capable miscellany of the history, lore, architecture, and archaeology of the counties round about London. Deneholes, churches, county records, mansion houses, e.g. Bruce Castle, Tottenham, and the chronicle of Paul's Cross, are all themes of well-informed contributions. Illustrative plans, photographs, and old plates enhance its attraction. The local note is decided, but a subject like Paul's Cross reaches a large audience, and the records of Hertfordshire are types of English domestic history under Queen Elizabeth, with their incidents of crime and punishment, enclosure of commons, prices of grain, wine, herring, and groceries,

witchcraft, and scandal about the sand in the gunpowder of the Earl of Essex's ships. East Kent parish history is full of the sins of the time, mowing and grinding on the Sabbath, playing at cards, refusing to give thanks after child-birth, deficiencies in catechising of the young, dismantling of churches and selling the lead of the steeple, refusal to attend sermon, and the like enormities.

Scotia, in its Whitsunday number, deals with John Finlay, ballad-editor and poet (1782-1810), with the Scots in Sweden, and with Franco-Scottish relations during the Hundred Years' War.

In the Lammas number are some notes of early naval incidents, a second instalment of Franco-Scottish relations, and a biographical essay on Lady Nairne accompanied by Sir John Watson Gordon's beautiful portrait of her. In the Franco-Scottish paper it is surprising to read that Prince James's capture was in the spring of 1405. We thought all the historians were agreed that it was in 1406.

The American Historical Review (July) has a very able and heavily referenced article by Professor F. Pijper of Leyden on the relations between the Christian Church and Slavery in the middle ages. The assemblage of much evidence from very recondite sources has not evoked proofs of any large degree of action taken, or influence exerted, in favour of the emancipation, toleration, or advancement of slaves.

A batch of privileges in favour of Columbus is edited by Frances G. Davenport from a codex usually supposed to have been compiled for Columbus in 1502. Four different authenticated copies are known to have been made, and are still extant. The present article emphasises the special contents of the variants in the copy belonging to the Duke of Veragua, and establishes its priority, as its certification is dated 4th December, 1498.

Dr. W. C. Abbot brings down from 1664 until 1674 his annals of English Conspiracy and Dissent, throwing much fresh light on a subject and a period well furnished with dramatic events and notable personalities.

In the *Bulletin of Bibliography* (April), the second and concluding part of a book-list of Ghost-Stories may assist workers in that weird field of psychology.

The *American Journal of Psychology* (April) has a learned, curious and suggestive survey of 'Miracles of Healing,' by Mr. Chas. W. Waddle, who in fifty pages collects much history, speculation and reflection, discussing theories of disease and demonology, and shewing the place and persistence of magic and superstition, as well as certain phenomena of modern psychological treatment. A bibliography of the subject closes this capable essay.

The *Revue Historique* (July-August) contains an account of the ancient city of Lagas on the Euphrates, a discussion of the Russian attitude towards the Franco-British alliance after the Crimea, and contemporary State papers on the massacre of St. Bartholomew. In the

next number of the *Revue* (Sept.-Oct.) Mr. Henry Harrisse delivers a scathing attack on the Venetian Sebastian Cabot, pointing out his glaring falsities by which he defrauded his own father of his fame, and indignantly denying his whole pretended voyages and discoveries prior to 1526. His treasons are, according to Mr. Harrisse, only less numerous than his lies; and the reasons advanced are powerful for regarding his much-vaunted name as essentially nothing at all in the annals of English organised enterprise in quest of the new world and new ways to Cathay. Richard Chancellor's discovery of the North-Sea-way to Muscovy in 1553 is shown to owe nothing to Cabot.

Early feudal history in France is shown in luminous relation to the institutions of castle-guard by M. Robert Michel, who traces the stages through which the Roman amphitheatre at Nîmes became a medieval fortress, and the vassals doing service under it came to be styled *milites castrî Arenarum*. The three-cornered struggle between them, the community, and the feudal lord endured through the twelfth and thirteenth centuries, complicated towards the close by the new and organised force exercised by the trades, which had extorted a share in the civic government. Before the end of the fourteenth century the knights had been ousted altogether, their continuous decadence coinciding with the consolidation of royal and popular authority.

In this number also, besides a paper on the interrelations of the biographies of Thomas à Becket, there is a long article by Monsieur A. Esmein, a member of the Institute. It is an appreciation of Mr. Lang's *Maid of France*. He applauds the sincerity and talent of the work, characterises the dominating impression left by it as a reflection of admiration and passion like that of Carlyle for Cromwell, looks coldly on the claim put forward for the Maid's military science, and above all inclines to reproach Mr. Lang with participating in 'those sophisms to which we are accustomed from the defenders of miracle.' He points out, however, that Mr. Lang's explanation of the voices is rather based on telepathy and spiritualism than on religious mysticism. On some details he disagrees, but for the most part finds himself sympathetic towards 'this brilliant and even powerful book.'

Communications and Replies

BALLAD OF THE TWO SISTERS. Since Professor W. P. Ker in his essay on the Danish Ballads in the *Scottish Historical Review* for July, 1904, pointed out the difficulties confronting the student who would trace the path of the popular ballad from England and Scotland to Scandinavia, interest in this subject has been greatly stimulated among scholars in Christiania and Copenhagen, and the near future will bring forth several interesting studies. There is one group of Scandinavian folk-lorists who hold that the ballad came from France, over England to Norway, and from Norway travelled to the other Scandinavian lands; another school maintains that it came first from France direct to Denmark.

An essay¹ in this field appeared in April of the present year. It is a study of a single ballad, 'The Two Sisters,' by Mr. Knut Liestöl, of Christiania, in the first issue of a new Norwegian journal, *Maal og Minne*. Mr. Liestöl will follow this article with other studies of the same nature.

'The Two Sisters' is a ballad found in England and Scotland and all the Scandinavian countries in a form almost identical. Two sisters lived together. The younger was betrothed, the elder not. The elder entices the younger to the water, shoves her in, and will not help her to land unless she relinquishes her lover. The younger sister drowns. Her body is found, and the finder (or finders) make a harp (or a fiddle) of it. When they strike the strings the instrument talks and tells who it is, and accuses the sister.

Mr. Liestöl shows, by quoting parallel verses, that the Scottish and Scandinavian ballads are too much alike to have arisen independently. One has translated from the other. Then which is the borrower? The Scandinavian versions indicate an expansion of the English-Scottish. In the Scandinavian ballad greater weight is laid on the fact that one sister is dark, another fair. The English-Scottish ballads have consistently three strings to the instrument, and three tones corresponding. Only a few of the northern ballads remember this 'holy trinity,' the others have one, two, four, five, or six tones. None of the English versions say that the elder sister was punished. At most the harp expresses the wish that she may suffer. In all the Scandinavian versions, however, she is punished. In some she dies of grief, in others she kills herself, in one she is exiled, in

¹ Knut Liestöl, 'Dei Tvo Systar,' *Maal og Minne*, I. 1, Christiania, 1909, pp. 37-51.

one buried alive, but in most she is burned. The fact that she gets her punishment in so many ways is evidence that the punishment is a later addition. It is more reasonable to suppose that the punishment was added than that it was forgotten. There are, then, several features which indicate that the English version is the more original.

He then examines the Scandinavian versions with reference to each other, and divides them into two groups, the *norrøne* (Norway, Iceland and the Faeröes) and the Danish. The Swedish lie between. For example, in all the Danish versions a musician finds the body, in none of the *norrøne* versions is he a musician. Some of the Swedish ballads have fishermen, some musicians. Again all the Danish versions have a fiddle, all the *norrøne* a harp; of the Swedish, some have fiddle, some harp.

How, then, are these two distinct Scandinavian groups related to the third group, the English-Scottish?

Mr. Liestöl discovers that the very features that separate the Scandinavian group from each other unite both in the English-Scottish group. In some of the English-Scottish ballads the instrument is a harp, in some a fiddle; in all the *norrøne* ballads it is a harp, in all the Danish a fiddle. Several of the Danish ballads have a feature not found in the *norrøne*, where the bridegroom tries to pay the musicians off. This is found in one English version—and all of the ballads with this feature employ a fiddle.

If Mr. Liestöl has made the problem a little too easy, he has certainly justified his conclusions:

‘The most reasonable explanation is that the ballad was first composed in England or Scotland, has split there into two versions, and both of these have come by different routes to Scandinavia, one to Norway (Iceland and the Faeröes) and the other to Denmark.’

Mr. Liestöl’s study is written in ‘Landsmaal,’ that curious Esperanto of Norwegian dialects. ‘Landsmaal’ is a language of sweetness and simplicity, and well adapted to the lucid presentation of an intricate theme. Mr. Bjørnstjerna Bjørnson says that ‘Landsmaal’ is too limited for scientific purposes; Mr. Liestöl, in this essay, has justified its use.

H. G. LEACH.

Harvard and Copenhagen,
May, 1909.

THE SO-CALLED PORTRAIT OF GEORGE BUCHANAN BY TITIAN (*S.H.R.* vi. 337). A third copy by Raeburn of the so-called Portrait of George Buchanan by Titian, was made for David Cathcart (Lord Alloway), and is now at Middle Auchendrane, near Ayr. I am indebted for my knowledge of this painting to Mr. P. W. Campbell, W.S., Edinburgh, who has sent me copies of two letters referring to it; the originals are in his possession as one of the executors of the last surviving grandchild of Lord Alloway. He kindly permits me to print them. They are of not a little value, as they throw more light on Lord Buchan’s belief in the genuineness of the portrait, and give an apparently circumstantial narrative of its history.

Copies of two letters from the Earl of Buchan to Lord Alloway :—

Dryburgh Abbey, May 17th, 1814.

My dear Lord,

My brother Lord Erskine being now employing Mr. Shiells to copy a series of original portraits of his Ancestors in my collection here, he has informed me that yr. lordship wished him to do one of that charming Portrait of Buchanan which was painted by Titian for Mary of Guise Queen Dowager of Scotland whose seal of property is on the back of the picture which was purchased at the sale of King Charles's pictures by the Portuguese Envoy and carried into Portugal from whence it was a few years ago brought to London.

Shiells is about going to London in the beginning of next month, but if you shall continue in the same mind after his return my ancient friendship for you dictates to me a consent to yr. request, being persuaded that the Artist can produce a very exact copy of the picture upon *pannel* the only basis on which it can possibly be accomplished with effect.

Mr. Raeburn has it at present in his hands to copy it for Buchanan of Drummakill who married the Heiress of Buchanan's chief, and I intend soon to cause a statue of the great man '*Scotiae illud lumen*' to be erected to his memory at the foot of the famous old yew tree at Dryburgh Abbey in respect of his having been the founder of classical learning and Whig principles in the family of Erskine !

With kind compliments to yr. worthy sister, and love to your children, I am my dear Lord,

Yr. assured friend, BUCHAN.

N.B.—The great regard I entertain for Mr. Raeburn, and his high merit as an Artist, renders it indispensibly necessary that this alteration of the copyer of the picture should be *à l'aimable*, and so as not in the least to give any offence ; which yr. Lordship will know how to manage with propriety. Adieu.

Dryburgh Abbey, November 17th, 1814.

My dear Lord Alloway,

The Buchanan Society having obtained leave from me to have a copy by Mr. Raeburn of that beautiful unique picture by Titian of George Buchanan and the picture being now about to be placed in Mr. Raeburn's hands for that purpose, I give you this notice that you also may have a copy painted by that excellent artist, and this I do the rather that I should hardly like to have the picture entrusted to any other artist and that the few pounds of difference of reward for executing the copy would I think be ill saved in such a case.

I am, my dear friend, yrs. truly, BUCHAN.

Give my kind compliments to yr. worthy sister and her bairns.

Mary of Guise was probably the last person in Scotland who would wish to have a portrait of Buchanan hung in her home. She was an ardent, plotting Romanist. When she came to Scotland at Midsummer, 1538, Buchanan was an object of violent hatred on the part of her fellow religionists. His quarrel with the Franciscans began in 1535 when he

wrote 'Somnium,' a pungent satire against the Order. Their rage increased with the production of the 'Palinodia,' and the 'Franciscanus.' With others, Buchanan was cast into prison in the beginning of 1539. Cardinal Beaton hoped that he would leave it only to go to the stake, but while his keepers were asleep he escaped through the window of the chamber where he was confined, and after a perilous journey he reached London, and soon after returned to France. Mary's interest in Buchanan could not have been developed by these early incidents in her Scottish life.

But Lord Buchan's letter suggests that it was Mary, Queen Regent of Scotland, who commissioned the great painter to make for her a portrait of Buchanan. Mary became Queen Regent 1554, and continued in her high office till her death in 1560. In 1552 Buchanan escaped from the clutches of the Inquisition in Portugal, and returned to France by way of England, where he remained till 1561, Mary having died during the previous year. She had given no indication during the years of her regency of any leniency towards Protestants that would lead one to think that she could look with favour on the portrait of the Reformer.

It is not possible that Titian and Buchanan could have met. Titian on only two occasions left Italy, and both were at the invitation of the Emperor, Charles V. The first was when he went to Spain in 1532; he resided there for three years: the second was to Augsburg in Southern Germany, where he also spent three years, from 1547 to 1550. Buchanan never visited Germany, Spain or Italy.

It is very obvious that Mary of Guise would not wish to possess a portrait of Buchanan and that Titian never painted one of him. But the evidence as to such a portrait being in the possession of Charles I. is still more destructive of Lord Buchan's narrative. After the death of Charles the Long Parliament resolved on 23rd March, 1648-9, 'that the present estate of the late King, Queen, and Prince shall be inventured, appraised and sold; except such parcels of them as shall be thought fit to be reserved for the use of the State.' *Journal of the House of Commons*, 1648, p. 172, 'certain commissioners, being no members of this House,' were chosen to appraise the said goods (*l.c.*).

A catalogue of the Art Collection was made under the direction of the Commissioners. This catalogue was published in 1757.¹ There are specified in it twenty-eight paintings by Titian, of which eight are portraits (*viz.*: Charles V., Charles V.'s wife, Marquiss del Guasto, Titian, Duke

¹ 'A Catalogue and Description of Pictures, Limnings, Statues, Bronzes, and other Curiosities; Now first published from an original Manuscript in the Ashmolean Museum at Oxford. The whole transcribed and prepared for the Press, and a great part of it printed by the late ingenious Mr. Virtue, and now finished from his Papers. London, 1757.' 4to. Pp. iv, Appraisement 8, Catalogue 202. The sub-title to the catalogue is 'Pictures belonging to King Charles the First, at his several Palaces, Appraised; and most of them sold by the Council of State.' On the back of the title there is a note, stating the circumstances of the sale, and to this is added the following, 'A Catalogue of these most valuable Collections with their Appraisement and Sale, was in the hands of the late John Artis senior Esq., Garter King of Arms; from which the following abstract is taken.'

Grettie, Marchioness of Mantua, Pope Paul III., and Marquiss of Vaugona), but there is no portrait of Buchanan mentioned.

Mr. J. Maitland Anderson, University Library, St. Andrews, has kindly re-examined the back of the 'Titian' picture there, in view of the statement in Lord Buchan's letter, but has failed to discover any remains of the wax or other indication of the Queen Regent's 'seal of property.'

The notion that Buchanan's portrait was bought by the Portuguese Envoy, was for some time in Portugal, and thereafter found its way to London to be acquired by Lord Buchan and placed in his series of original portraits at Dryburgh Abbey, is a wild flight of fancy inconsistent with the treatment meted out to Buchanan when in Portugal. In 1547 he with others joined a friend who had been invited by the King of Portugal to establish a college for the revival of learning in connection with the University of Coimbra. His friend died before the year ended. The Jesuits, having obtained power over the King, had the college closed. Buchanan and his colleagues were handed over to the Inquisition. For a year and a half he was under trial, and was then interned in a monastery. When allowed to leave he wished to return to France, but the King would not allow him. He, however, supplied him with the necessities of life. Buchanan at last escaped in a foreign vessel bound for England, after nearly five years of misery.

Whoever invented the story of the 'Titian,' it is plain that the story is not in accord with the facts of history, or with the official catalogue. It is possible that the Earl of Buchan, who, as Drummond says, 'considered himself a great authority in all matters of art and antiquity,' having determined that the painting was by Titian, and, dreaming over its possible past, himself invented the history, and in time became convinced that this was the true account of his treasure.

It may be well to give a brief catalogue of the genuine portraits of Buchanan, referring the reader for details and the reproductions of the originals to the volume published in 1907. 'George Buchanan, Glasgow, Quatercentenary Studies, 1906.' These true portraits are :—

1. Engraving from Vanson's painting, sent to Beza, 1579.
2. Painting in the National Portrait Gallery, London, dated 1581.
- 3 & 4. Independent paintings in Edinburgh University.
5. Painting in Glasgow University (probably a copy of that in the Library, Edinburgh University).

I would like to correct an error into which I fell when I said that Mr. J. C. Ewing (not as I printed it J. E. Ewing) suggested that Raeburn painted the copy now at Ross Priory for Robert Buchanan. Mr. Ewing's suggestion was that it was painted for Hector Macdonald, who married Jean, daughter of Robert Buchanan of Ross Priory and Drummikill, and assumed the additional surname of Buchanan. It will be observed that this suggestion is confirmed by Lord Buchan in his first letter here printed, where he refers to the copy at Ross Priory.

WILLIAM CARRUTHERS.

CAPTAIN FARQUHARSON OF BROUGHDEARG (*S.H.R.* vi. 233, 440). I have to thank Mr. MacRitchie for his correction in which he points out that the estate of Broughdearg is in Perthshire, not in Forfarshire as I had stated. I took my information from the official list prepared for Government by the Excise Officers in 1746, without checking their statement. In that list 'Broughdearg' is said to be in the 'Parish of Glenacla in the County of Angus' (or Forfar). Glenacla was evidently a clerical mistake for Glenaela or Glenisla, which is in Forfar; but Broughdearg, as Mr. MacRitchie correctly states, is over the hill from Glenisla in the neighbouring valley of Glenshee, which belongs to Perthshire.

I have among my papers a note in the handwriting of the late Mr. Michie of Dinnet, editor of the *Records of Invercauld*, stating that in 1745, Farquharson of Broughdearg was factor to Invercauld.

I also find that Dr. MacNaughton and Dr. Neil claim this laird as one of the Medical Officers of the Jacobite Army (*Caledonian Medical Journal*, 1900), and state that he had studied medicine in Italy and completed his professional education under Cagliostro. The latter statement must, of course, be a mistake, as Cagliostro was only born in 1743. Whether by profession a surgeon or not, Broughdearg actually served as a combatant officer in the 'Forty-five, and I have failed to find any mention of service as a medical officer during the campaign. In a book published in Aberdeen in 1876, *Legends of the Braes o' Mar*, by James Grant, there are some weird stories told of his adventures in magic both in Italy and in the Invercauld country, at the alleged (but impossible) instigation of Cagliostro. These legends show that his personality must have been striking, or the myths would not have survived. But perhaps he is confused with some one else.

W. B. BLAIKIE.

Notes and Comments

THE Royal Commission on the Ancient Monuments of Scotland promises to fulfil in the amplest manner the high expectations that were aroused when its constitution was originally announced. It has gone to work in most business-like fashion. Within a year and a half of the issue of the letters-patent it has not only framed a perfectly definite policy, but has laid before the public the first-fruits of its labours, in the shape of an *Inventory of Monuments and Constructions in the County of Berwick*. Such promptitude reflects great credit on the Commissioners and on their Secretary, Mr. Curle, to whose 'unremitting energy and special knowledge' a well-deserved tribute is paid in the Report. The *Inventory*, which is prefaced by an illuminating introduction, occupies about sixty blue-book pages, and is supplied with all necessary indexes.

There will doubtless be some who will wish that the Commissioners had taken a less severe view of their task, and had instructed their Secretary to write at considerably greater length; we might then have had an illustrated guide-book to the antiquities of the county from a thoroughly competent hand. Tempting as the prospect would have been, we are convinced that the decision of the Commissioners has been wise. They have acted strictly on their instructions, and have followed the only course that was consistent with a determination to 'see the thing through.' And, whatever difference of opinion there may be as to their policy, there will be none as to the admirable manner in which it has been carried out. The present instalment contains notices of 260 objects. Of these, it is believed, no fewer than 70 have never been previously described. This is an extraordinarily large percentage for a district that has been the happy hunting-ground of so many people interested in antiquarian research, and it is therefore a significant indication of the results that may be looked for when the Commission goes further afield. The individual notices are short, especially where the object is a well-known one, but close scrutiny reveals the fact that they are really much more complete than their length would suggest. They are packed full of matter; no essential detail is omitted, and readers are told exactly where to go for illustrations and supplementary information.

A handy map of the county is attached, and a special Appendix deals with Dryburgh Abbey, where urgent measures for preservation seem to be called for, despite the amount of judicious repair that the present proprietor has already had effected.

The Report indicates that the Monuments of Sutherland are now under review. This is largely virgin soil, and the *Inventory* should be of the highest importance. Some of the types of constructions found there will hardly be intelligible without plans, and we hope that these will be provided in all cases where they are required. Even in Berwickshire we should occasionally have welcomed something of the kind.

THE Camden Society has issued (Third Series, vol. xvi.) the first volume of *Despatches from Paris, 1784-1790*, selected and edited from the Foreign Office Correspondence by Mr. Oscar Browning. The Camden Society. Owing to the serious illness of the Editor the Council of the Society have decided to print in this volume only the text of these important official documents, and to leave Mr. Browning's Introduction and his Index to the whole work to appear in the second volume (now in the press), which brings up the despatches to May, 1790. In these circumstances we reserve our notice of this very interesting publication until the second volume appears.

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Portraits of the First Five Jameses

SCOTTISH portraits, which can be assigned to a period prior to the beginning of the seventeenth century, are comparatively rare. The few which exist are almost invariably the work of foreigners who found their way here, or painted Scotsmen abroad, or who, like Van der Goes, the painter of the celebrated Trinity College Altar-piece, executed their likenesses from other men's drawings. The foreigners who visited Scotland, however, are known not from what they did, but from chance mention of their names in the Lord High Treasurer's accounts or other old records. While Mynour, 'ye Inglise payntour,' sent to the Scottish Court in 1503 by Henry VII. with 'ye figuris of ye King, Queen, and Princes of England and of our Quene'—like the native painters mentioned in the Treasurer's accounts—remains unidentified with any painter of reputation, the work of Pierre Quesnel, who accompanied Mary of Guise to Scotland, and of Jean de Court, whose name appears in the list of Mary Stuart's household (both of whom have left mythical reputations in France), has never been separated from the mass of unattributed portraiture produced by painters of their time and school. Nor is it otherwise with Hadrian Vauson, 'Fleming painter,' who was attached to the Court of James VI. about 1594 and is known to have painted portraits of Knox and Buchanan.

These difficulties of attribution are common to all schools, in their preliminary stages especially. The confusion which exists as regards early portraiture in England, where conditions were much more favourable for art than in Scotland, was very evident in the highly interesting exhibition of English portraiture up to

Holbein held by the Burlington Fine Arts Club last summer. Brought together by a committee of experts, with the express intention of affording opportunity for the investigation of some of the more obscure problems connected with the subject, that exhibition, while throwing considerable light upon general tendencies, failed to reveal the existence of any clearly recognisable native painter. If this be so South of Tweed, it is even more clearly so in Scotland; and probably any increase in knowledge will result from fortunate chance, rather than from indefatigable investigation. In these circumstances one is thrown back on general deductions, and any portrait, which can be assumed with some degree of certainty to have been painted in Scotland before the emergence of Jamesone in 1620, becomes of distinct historical importance. The head-size panels of the first five Jameses recently added to the Scottish National Portrait Gallery are of this interesting kind.

Beyond the fact that these pictures, which were first noticed by Dr. Hay Fleming, who called my attention to them, were for many years in the possession of the father of the gentleman from whom they have been acquired, nothing is known of their history, though it has been suggested that they may have come from an old castle in Forfarshire which belonged to the family. In a matter such as this, however, tradition is of far less moment than internal evidence, and that indicates that these portraits were painted in Scotland, perhaps during the reign of James V. (1512-1542), and certainly not later than the latter part of the sixteenth century. The character of the workmanship and design entitle one to assume that they were executed about that time, and this is confirmed by the inscriptions, which are in lettering of the period. Somewhat primitive in the rendering of the form, which is drawn and tinted in flattish colour rather than modelled in light and shade in modulated pigment, and rather stiff and archaic, but pleasingly quaint, in drawing and design, these panels, which have suffered somewhat from neglect, are eminently suggestive of the condition of the art of painting in Scotland during the sixteenth century. All are painted in oils upon oak panels, $15\frac{1}{4}$ inches by $12\frac{3}{4}$ inches, which, when purchased, were unframed, except for a narrow black moulding; and it is not improbable that they once formed part of the decoration of a panelled room and were cut from the wainscot. Portraits were used in that way occasionally in the sixteenth century, and some of the portraits of the English Kings at



KING JAMES I.

Scottish National Portrait Gallery.



Windsor, in the possession of the Society of Antiquaries, and elsewhere are understood to have had such an origin.

Despite political relations with France, Scotland owed much at that time to trading connections with the Low Countries, and these pictures, while greatly inferior in accomplishment and artistic quality, possess certain affinities with contemporary Flemish painting. Moreover their very inferiority is suggestive, for it would seem to imply that they are either the work of a native artist working under Flemish influence, or that Scotland was too poor to attract to its shores any but inferior Flemings. To guess which source is the more likely in the present case would be futile. One must rest content with the knowledge that they represent the art of portraiture as practised in Scotland during the latter part of the sixteenth century. In this connection, it is perhaps worth noting that the portraits of James I. and James II. are rather more mature in style than those of the late Kings, and are probably by a different and more accomplished hand.

As regards the claims of these pictures to represent credibly the Stewart Kings, there is no reasonable doubt. While those of the first four Jameses must have been painted years after they were dead—James I. was murdered at Perth in 1437—the likenesses were almost certainly founded upon earlier portraits, then existing but now lost. Perhaps the variety of character, which plays through an obvious family resemblance, is not the least interesting feature of the series as such. Nearly all have thin pale faces with the boney structure showing below the skin, high cheek bones and chins of a marked type, hazel or brown eyes, and hair which, varying in hue, inclines to ruddiness. Yet each differs from the other definitely and obviously represents an individual of personal character. In each case also the face has considerable resemblance to that in the oldest known traditional portrait, and the costumes are archaeologically correct.

The portraits of James I. and James II. are particularly interesting, for our ideas of their looks are much vaguer than they are of those of their successors. Of all the Stewarts, who move so romantically through the stirring pages of Scottish history, James I.—not excepting even Mary, Queen of Scots, herself—is the most fascinating and pathetic figure. A wise ruler and a gallant soldier, as well as a splendid lover and a fine poet, he spent his life, and lost it, in the service of his country. But of him there seemed to be no likeness earlier

than the print in Jonston's *Inscriptiones* (1602), except the rude effigy in the series of carved wooden medallions which once adorned the palace built by James V. in Stirling about 1530. For the face in the fresco at Siena, in which James is represented as an old white-bearded man (he was forty-three when he died), seated on a throne, under a loggia opening on an Italian landscape, receiving the Envoy from the Council of Basle, has no authority as a likeness, and is only a symbol in one of the chief episodes in Æneas Sylvius's progress to the papal throne, depicted so charmingly by Pinturicchio on the walls of the Cathedral Library about 1505. Now, however, confirming the Jonston engraving and the 'Stirling head,' there is to be added the portrait in the Scottish Portrait Gallery, which predates the former and is perhaps nearly as early as the latter. The presumption that it is he is further strengthened by resemblance to another but inferior panel picture of rather later date (already in the gallery), which is said traditionally to have been presented by Queen Anne of Denmark to her Chamberlain, Sir Henry Wardlaw of Pitreavie, and to a few portraits of the early seventeenth century.

The new portrait of James II. varies more from the traditional type, which has hitherto been determined by the print in Von Ehingen's *Itinerarium*. That likeness has been in dispute, however, for when Pinkerton, with the aid of the Earl of Buchan, produced his *Iconographia Scotica* (1797), the same picture, or a replica, which was then at Kielberg near Trubingen and has now disappeared, was engraved in half-length as a portrait of James I.¹ Still there is little doubt that, when it appeared originally, it was intended for James II., the other portraits in the volume being of his contemporaries. The engraving of 1600 shows the King in full length, with the head, which is youthful and rather lacking in character, directed towards the left. Turned in the same direction, the new portrait is of a rather older man on whose clean-shaven face, framed in long thick ruddy brown hair, the cares and harassments of sovereignty have left traces. But there is a very considerable resemblance in type, and the main proportions of the head, including the very remarkable formation of the eyebrows, are similar. The oil picture, however, is much more interesting and conveys a convincing impression of the man. It also bears

¹ Lord Buchan's drawing of this picture had been used as a portrait of James I. in Morison's *British Poets* (Perth, 1796).



KING JAMES II.

Scottish National Portrait Gallery.



a strangely interesting resemblance to the portraits of his grandson, James IV. The medallion in Bishop Lesley's *De origine moribus et rebus gestis Scotorum* (Rome, 1578) is no more a portrait of James II. than the rude effigies of Malcolm Canmore and Robert the Bruce, in the same volume, are portraits of them.

One of the panels of the Altar-piece at Holyrood gives the key to portraits of James III. A *chef d'oeuvre* of a master, one has every confidence in judging from it other portraits of the personages there represented, even though it is all but certain that Van der Goes painted none of them from life, except the donor, Sir Edward Bonkil. The importance of that work as a thing *per se*, its destination, and the circumstances under which it was probably painted, make it certain that the artist must have been supplied with portraits or drawings on which to base his portraits of the King and Queen. And although the Portrait Gallery picture shows James's face in three-quarters view there is no mistaking its resemblance to the younger and plumper face in profile at Holyrood.

The appearance of James IV. is also determined by a well authenticated portrait, which, if not contemporary, and indeed considerably later than the portrait in this series, is known to have been founded upon 'an ancient water-colour piece,' which, mentioned in inventories of the English Royal collections compiled in 1542 and 1549, disappeared long ago. That highly important copy, which was made in oils by Daniel Mytens for James VI. or Charles I., and was in the latter's collection, is now in the possession of Captain Stirling of Keir. Contrary to long accepted tradition, but in conformity with recent investigation, it represents the gallant and reckless King with a shaven face, and in this, save for the suspicion of a moustache on the upper lip, the new portrait agrees. The features are somewhat blunter in form, however, and come rather nearer those in the drawing of James, by a French or Flemish artist of the sixteenth century—perhaps Jacques Le Boucy of Artois—preserved in the Arras Library. With these portraits and the curious and interesting picture of 1507 at Abbotsford, and the little portrait at Newbattle, though its authentication is less certain, there are now five portraits of early date with considerable claims to represent this king.

Compared with those of his predecessors, the looks of James V. have never been in doubt. Contemporary portraits

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at Windsor and Hardwicke—the Duke of Devonshire's shows him with his wife, Mary of Guise—fix the type definitely, and that in the new series conforms with these, as do two other panels of rather later date and inferior workmanship which have been in the Edinburgh collection for a good many years.

As the portraits just described form what is probably the oldest, as it is certainly the most artistic, series of the kind extant, their acquisition adds greatly to the historical interest of the Scottish National Portrait Gallery. Moreover, with the few portraits of about the same date already there, they enable one to form some idea of the state of portrait painting in Scotland previous to Jamesone, with whose work the historian of art in Scotland has perforce to begin any account of the development of Scottish Painting.

JAMES L. CAW.



KING JAMES III.

Scottish National Portrait Gallery.



The Franco-Scottish League in the Fourteenth Century¹

THE Franco-Scottish League was not a mere alliance between two kings, as was usual in the case of medieval alliances. It was an alliance between two nations whose interest drew them together, and it accordingly lasted as long as this common interest prevailed. Its root was the common hostility of France and Scotland to England; and as the common hostility endured for nearly three hundred years, the League endured for an equally long period.

The *raison d'être* of this League is patent on both geographical and political grounds. Geographically, it was inevitable that, in the case of enmity between Scotland or France, on the one hand, and England on the other, they should be eager to ally their forces. France was separated from England by the Channel, and direct attack against its English enemy was therefore difficult; but with Scotland as its ally, it could, by means of a Scottish army, directly assail England on its northern border. On the other hand, Scotland was a smaller and weaker nation than England; but by allying itself with France, it was enabled to counteract its relative inequality in territory and resources. Politically, the *raison d'être* of the League is equally patent. On historic grounds, both France and Scotland became the enemy of England, and it was inevitable that the two enemies of a common enemy should combine against this common enemy. In the case of Scotland, it was the claim of Edward I. to the overlordship of the Scots, and the consequent attempt to conquer them at the end of the thirteenth and the beginning of the fourteenth centuries, that provoked an antagonism lasting for several hundred years. In the case of France, the fact that the English king held a large portion of western France as the vassal of the French

¹ Paper delivered at the University of Bordeaux on the occasion of the meeting of the Franco-Scottish Society, 5th October, 1909.

king could not fail to beget friction between them. Moreover, the friction on this score was ultimately aggravated by the claim of a series of English kings to the throne of France itself, and by the long-protracted attempt on the part of these kings to unite the English and French crowns.

Both nations were thus exposed to English aggression, and both were accordingly led by political considerations, as well as geographical position, to offer a common resistance, which served a mutual object. On the other hand, we can see how for England the counter League with the Netherlands and the Empire, was equally natural. From the thirteenth century onwards it was an essential of French foreign policy to incorporate, if possible, Flanders and Brabant, the modern Belgium, with its resultant historic drama of friction and war. For centuries, too, there was, on various grounds, friction between France and the Empire. What more natural, then, than that an English king like Edward III. should seek to ally himself against France with Flanders and the Empire, and thus provide a counterfoil, in an Anglo-Imperial alliance, to the Franco-Scottish League? Both Leagues, in fact, exercised for centuries a powerful influence on the international history of Europe, though the former was more or less spasmodic, whilst the latter might be described as permanent from 1295 to 1559, when the Reformation changed the political relations as well as the religion of both Scotland and England.

Its historic beginning dates from the end of the thirteenth century. Tradition, indeed, removes its genesis as far back as the days of Charlemagne, who is supposed by imaginative Scottish chroniclers to have sent ambassadors in the year 789 to a Scottish king, whom they call Achaius, requesting assistance against his Saxon enemies, with whom the English Saxons are said to have been allied. Such is the story gravely related by a Scottish refugee in France, David Chambre, who wrote a work entitled *Histoire Abbregée de tous les Roys de France, Angleterre, et Escosse*, which he dedicated to Henry III. of France in 1579. He even reproduces the speeches which Hector Boece puts into the mouths of the counsellors of Achaius on the occasion.¹ Moreover, he adduces—

¹ See *Histoire Abbregée*, p. 95. David Chambre, or David Chambre d'Ormont, as he amplifies his name in the dedication to Henry III., had been 'conseiller en la cour de Parlement à Edinbourg,' which means that he had been a lord or judge of the Court of Session. In the *Historical Account of the Senators of the College of Justice*, by Brunton and Haig, his name is given as David Chalmers, of Ormond. He tells us in this dedication that he was a refugee Scot who had been forced to leave his native land in 1567. He was evidently a Roman Catholic and an



KING JAMES IV.

Scottish National Portrait Gallery.

also on the authority mainly of Boece—a series of treaties of alliances¹ between a series of Scottish and French kings from Malcolm III. and Philip I. onwards. The story reappears about three-quarters of a century later in a decree of the Council of State of Louis XIV.,² to which it was evidently transferred from Chambre's *Abregée*. 'Des l'année sept cent quatre vingts neuf, Charlemagne, regnant en France, et Achaius en Ecosse, l'alliance et confederation ayant esté faite entre les deux royaumes, offensive et defensive, de couronne à couronne, de roy à roy, et de peuple à peuple, ainsy qu'il est porté par la charte ditte la Bulle d'or, elle auroit jusqu'à present continué sans aucune interruption, et esté ratifiée par tous les successeurs du dict Charlemagne,' etc.³ Unfortunately for this sanguine statement, there was neither a France nor a Scotland in the national sense to enter into a treaty with each other at the end of the eighth century, even if there had been a Scottish King Achaius⁴ who was willing to do so. At this period the term 'Scotia' was applied to Ireland, and what afterwards became Scotland was then designated Alban or Albania⁵; whilst what constitutes the France of a later time

adherent of Queen Mary—was, in fact, one of three persons officially accused of being privy to the murder of Darnley; and was in straitened circumstances when he bethought him of turning historian and writing this laboriously compiled historical compendium. It shows not even a pretence to the critical spirit, and the dedication is a thinly-disguised begging letter. Besides Boece's *History*, he made use of a chronicle supposed to be written by a Spaniard, named Veremund, in the time of Malcolm Canmore, from which Boece also professes to have borrowed. This compilation, if it really existed, has disappeared, and was evidently a late forgery by some patriotic Scottish scribe, and Innes thinks that it was invented in the fifteenth century (*Critical Essay*, p. 173, vol. viii. of *Historians of Scotland*, edited by Grub; 1879). Both Boece and Chambre seem to have used it in good faith, but their good faith is a striking evidence of their credulity. M. Michel seems to give the usual credence to Chambre, whom he quotes as an authority for the medieval treaties between the kings of Scotland and France (*Les Ecosais en France et les Français en Ecosse*, i. 30-31).

¹ *Ibid.* pp. 128, 141, 144, 149.

² Of date 19th September, 1646.

³ *Memoirs Concerning The Ancient Alliance Between the French and the Scots*, pp. 58-59 (1751).

⁴ There are some names in *The Chronicles of the Picts and Scots*, edited by Skene, that might possibly be Latinised into Achaius. We find, for instance, a Mac Eachach, pp. 215-16; a Heochgain, p. 287; an Eogheche, p. 198; but even if we could identify any one of these with the Achaius of the story, the assumption that any petty chief of Dalriada entered into alliance with the mighty Charles can only evoke a smile. The portrait of Achaius forms one of the series of artistic fabrications that disfigure the walls of Holyrood Palace.

⁵ For the evidence, see Skene, *Celtic Scotland*, i. pp. 3, 6 (1876).

was a part of the vast empire of Charlemagne. There were, indeed, agreements of a kind between Scottish and French kings in the middle ages,¹ though not, of course, until there were such kings. But the fact is that the Franco-Scottish League, in its historic sense, did not emerge until historic conditions at the end of the thirteenth century made both Scotland and France for long the common enemies of England.

These historic conditions were, at the close of the thirteenth century, the assumption by Edward I. of overlordship over Scotland, on the one hand, and, on the other, the contemporaneous quarrel between him and his overlord Philip IV. over the English possessions in France. From these causes the Scottish king, John Baliol, entered into the offensive and defensive alliance with Philip, which was renewed at intervals by their successors during the next two centuries and a half, and is known as the Franco-Scottish League. Its chief stipulations from the outset were, firstly, that in case of war between England and France the Scots should intervene on behalf of their ally by an invasion of England, and in case of war between Scotland and England the French should render active assistance to the Scots; secondly, that neither, in concluding peace or truce with the English king, should ignore the interests of the other.²

The war which ensued on this alliance of 1295 proved for Scotland the beginning of a heroic struggle in defence of its independence, and the struggle lasted, with little interruption,

¹ In the treaty between Charles IV. and Robert Bruce, Charles does not mention any formal league of long standing, but merely the '*amytie et la bienveillance qu'a esté de long tems entre nos prédécesseurs roys de France et notre royaume, et entre les roys d'Ecosse et le dit royaume d'Ecosse.*'

² The treaty is given by Hemingburgh or Hemingford, ii. 78-85 (edited by Hamilton), and by Knighton, who transcribes Hemingburgh, i. 292-300. Cf. *Foedera*, i. 680-82 and 696 (July and October, 1295), and *Acts of the Parliament of Scotland*, i. 95, 97 (Dunfermline, 23rd February, 1295). King Philip undertakes '*quod si praelibatum regem Angliae coadunatis viribus suis regnum Scotiae per se vel per alium invadere contigerit post guerram ad requisitionem nostram per dictum regem Scotiae coeptam vel post confederationem praesentem vel affinitatem inter nos initam occasione earundem, nos . . . sibi subsidium faciemus, ipsum regem Angliae per partes alias occupando ut sic ab incepta invasione praedicta ad alia distrahatur, vel ei in Scotiam conveniens adjutorium sumptibus nostris quousque in Scotiam venerit transmittendo.*' On his side Baliol undertakes, '(inter alia) cum toto posse suo terram Angliae quanto latius sive profundius intrare curabit, faciendo guerram bellumque campestre, obsidendo, vastando, ac regem Angliae et terram ejus praedictis omnibus modis suis ut supra dicitur sumptibus impugando.' Then follows the stipulation about peace or truce (Hemingburgh, ii. 83-4).



KING JAMES V.

Scottish National Portrait Gallery.



throughout the reigns of Robert Bruce and his son David II., that is, till far into the fourteenth century. During the first period of it, which was rendered immortal by the victories of Wallace and Bruce, the League was largely inactive ; for, though Philip IV. espoused the cause of the Scots for several years, he was compelled to abandon it in the treaty which he concluded with Edward I. in 1303. It was by their own brave efforts, directed by the genius of Robert Bruce, that they gloriously vindicated that cause against Edward II. The English claim to the overlordship of Scotland remained, however, and Bruce took the precaution, three years before his death in 1329, of renewing the League with Charles IV. of France¹ (1325-6).

The immediate sequel proved the foresight of this transaction ; for, with the advent of Edward III. to the English throne in 1327, English aggression again became active in the renewed and protracted attempt to wrest the Scottish crown from Bruce's young son, David II., in favour of the son of John Baliol, who was ready to wear it as Edward's vassal. In this emergency the Scots turned to Philip VI., Charles the IV.'s successor, and they did not appeal in vain. For Edward's aggressive policy embraced France as well as Scotland. In virtue of his near descent, through his mother Isabella, from Philip IV., he regarded himself as the rightful heir to the French throne, on the extinction of the direct line of Capet by the death of Charles IV. in 1328, in preference to Philip of Valois, whose claim was recognised by the French barons.² He did, indeed, at first acknowledge Philip's title by doing homage to him for his French possessions. But ten years later, in 1337, as the result of increasing friction with his French overlord on the score of Scotland and his domains in Aquitaine, particularly in Agennois, he determined to assume the title of King of France,³ and to enforce it with the sword. Philip, it must be admitted, gave him considerable provocation for this unconscionable proceeding. He had not only responded by diplomatic representations⁴ to Edward to the appeal of the Scots,

¹ The treaty will be found in *Memoirs Concerning The Ancient Alliance Between the French and the Scots*, 4, 10. See also Fordun's *Chronicle*, edited by Skene, i. 350, and Wyntoun's *Chronicle*, edited by Laing, ii. 372.

² See *Continuator of G. de Nangis*, edited by Guerand, ii. 82, 84 ; Froissart, *Chroniques*, edited by Lettenhove, ii. 20-21, 213-15.

³ *Foedera*, ii. 1000-1001.

⁴ For these negotiations, see Fordun, i. 358-59 ; *Foedera*, ii. 903 *et seq.* ; Knighton, i. 472, 476 ; *Chronicle of Bridlington Author*, edited by Stubbs, 121-126 ; *Murimuth, Chronica*, edited by Thompson, 75.

who from 1331 onwards were exposed to repeated English invasions, for assistance, but welcomed the fugitive David II. after the terrible defeat inflicted on them at Halidon Hill in 1332. He had, in view of the futility of these negotiations, without actually declaring war, allowed French ships to bring munitions of war to Scottish harbours and to join Scottish squadrons in attacking English ports and merchant vessels.¹ He permitted, too, French mercenaries to serve in the ranks of the Scottish patriots.²

Thus, even before the beginning of what is known as the Hundred Years' War between England and France, the League stood the Scots in good stead. Its actual outbreak in 1338, by weakening Edward's power of aggression against Scotland, contributed materially to frustrate his attempt to deprive them of their heroically-won independence; and by the year 1341, when David II. returned from France, the English invader had been practically cleared out of the country. At the same time it gave them the opportunity of repaying their obligations to Philip, who, in spite of the pressure of the conflict with Edward, had sent a French squadron to assist in the capture of Perth from the English in 1339,³ and with whom David had renewed the League before his departure from France.⁴ David had not been three months at home before he mustered and led a large army across the Border, with much slaughter and pillage southwards as far as Durham,⁵ to oblige Philip as well as pay back old scores against Edward.

On two subsequent occasions, at critical conjunctures in the Anglo-French struggle in the reign of Edward III.,—in 1346, the year of the battle of Crécy, and in 1355, the year before the battle of Poitiers,—the Scots repeated the invasion at the summons of the French king. The result on both occasions was disastrous to David. David, in his chivalrous attempt to give effect to Philip's urgent entreaties⁶ for Scottish co-operation, was defeated and captured at Neville's Cross in October, 1346; and the Scottish inva-

¹ *Chron. de Lanercost*, p. 283; *Foedera*, ii. 915, 944-46, 953.

² Knighton, i. 477. *Rex Franciae . . . multos de Francia in Scotiam contra regem Angliae praemisisse.*

³ Wyntoun, ii. 452.

⁴ Froissart, iii. 432; et le renouvela les convenenches qu'il avoient entr'iaux doi.

⁵ Froissart, iii. 437; Knighton, ii. 23; Wyntoun, ii. 470.

⁶ Hemingburgh, ii. 421-23, who gives Philip's letters.

sion of England in 1355, in response to the summons of King John, backed as it was by a contribution of 40,000 moutons d'or,¹ exposed Scotland in return to the terrible visitation of a formidable English invasion, led by Edward in person.² On neither occasion, too, did this intervention avail to avert disaster from France. King Philip hazarded and lost the battle of Crécy against King Edward in 1346, and ten years later Edward's son, the Black Prince, repeated his father's exploit against King John at Poitiers, where two hundred Scots, under William and Archibald Douglas,³ heroically maintained the honour of the League.

Nevertheless, on both occasions the fact of this Scottish intervention, by compelling Edward to keep part of his forces employed in the defence of the northern English border, may be said to have lessened the effects of the blows which these great English victories inflicted on France. The patent fact is that, in the face of this Franco-Scottish League, Edward had undertaken a task beyond his powers. He might win victories against the Scots; he might win victories against the French; but he could not succeed in a policy that involved him in the attempt simultaneously to conquer France and Scotland, and steeled against him the enmity of both. Moreover, both nations evolved, during this period of resistance to English aggression, the qualities that defeat tends to nurture in peoples who prove themselves worthy of victory, if they may fail for a time to achieve it. We might almost say, paradox though it seems, that defeat contributed to the success of the defeated side. In the case of Scotland, victory on the grand scale during this period went to the English. The English won three pitched battles against the Scots within the fifteen years from 1331 to 1346—Dupplin Moor, Halidon Hill, and Neville's Cross. Yet they did not conquer Scotland, because the Scots were invincible in defensive warfare, and deprived these victories of any permanent fruit by their stubbornness, and by their resourcefulness in wearing out their enemy. In the case of France, victory on the grand scale during this period likewise went to the English. The battles of Sluys, Crécy, and Poitiers—also fought within about a decade and a half, 1340 to 1356—ended in crushing defeat for Scotland's French ally; and yet they did not end

¹ Knighton, ii. 79; Fordun, i. 371.

² Avesbury, *de Gestis Edwardi III.*, edited by Thompson, 450-56; Fordun, i. 373-75; Knighton, ii. 85-86; Wyntoun, ii. 485; Froissart, v. 332-39.

³ *Chronique des Quatre premiers Valois*, edited by Luce, pp. 51-52; Baker de Swinbroke, 253.

in the conquest of France, though the treaty of Bretigny¹ in 1360, which was the result of them, witnessed for a time its partial dismemberment. With the advent of Charles V. to the throne in 1364, the French evinced those staying qualities which had preserved the independence of Scotland intact in spite of repeated invasion and defeat, and which rolled back the tide of English aggression against France before the reign of Edward came to an end in 1377.

In this desperate struggle of the closing years of Edward's reign, Charles V. and Du Guesclin won back nearly all that Philip and John had lost. 'La France,' says Michelet, 'a de nobles reveilles,' and this saying was gloriously exemplified under the auspices of Charles and Du Guesclin. In this achievement the Scots had no share, for though Robert II., who succeeded David II. on the throne of Scotland in 1371, renewed the League,² he did not intervene actively in the Anglo-French war during the remainder of Edward's reign. Yet both directly and indirectly Franco-Scottish co-operation undoubtedly contributed materially to the preservation of the independence of both Scotland and France throughout this long period of resistance to English aggression. Edward III. would almost certainly have conquered Scotland, for the time being at least, but for the hostility of France, involving him, as it did, in difficulties which greatly reduced his power of aggression against his Scottish enemies. He would, likewise, have stood a much better chance of conquering France, but for the hostility of Scotland, which weakened his striking power against its French ally. It is thus that the Franco-Scottish League performed such an important service in the preservation of the independence of both nations, and from this point of view its rôle in history was a most decisive one. The measure in which the independence of France and Scotland has influenced the history of Europe is the real measure of its importance. Had Edward III. conquered Scotland and France the history of Europe would have been vastly different. Europe would, for a time at least, have passed under an English hegemony and its world empire would have been anticipated in a medieval domination which, in view of the weakness of the medieval empire, would have made it practically invincible against all possible rivals.

¹ *Foedera*, iii. 487 *et seq.*

² *Foedera*, iii. 925. Cf. Isambert, *Recueil Général des anciennes Lois Françaises*, v. 359-363; *Acts of the Parliament of Scotland*, i. 196-97.

With the death of Edward III. in 1377 the importance of the League, from both the national and the international points of view, was by no means at an end. Suffice to say that there were three intervals in the history of France and Scotland during which its potent activity might be further conclusively proved. The first of these extended from 1415 to 1451, when the French were again called on to maintain their national rights against the attempt of the English kings Henry V. and Henry VI. to unite the crowns of France and England, and during which Scotland sent many of her bravest and best, under such leaders as the earls of Buchan and Douglas, to help to win victory for their allies at Beaugé in 1421 and to make defeat heroic at Verneuil in 1424. 'Je ne puis aller nulle part,' said the dying Henry V. bitterly, 'sans trouver devant ma barbe des Ecossais morts ou vifs.' Again, in the second decade of the sixteenth century James IV. suffered crushing disaster and laid down his life on Flodden Field in the chivalrous effort to assist his ally, Louis XII., against his English enemy, Henry VIII., who had forcibly revived the English claim to the French crown in 1513. Thirty-five years later France paid back the debt, which was sealed by the blood of so many thousands of valorous Scots at Flodden, by offering a refuge to the girl queen Mary after the equally crushing defeat at Pinkie in 1547, and by sending a French army to help in vindicating Scottish independence against the attempt of the Protector Somerset to forcibly unite the English and Scottish crowns.

Thereafter supervened the danger to that independence which the League became when the marriage of Queen Mary to the Dauphin threatened to lead to the union of the crowns, not of England and Scotland, but of Scotland and France. This danger had the effect of drawing Scotland and England together in an opposition League, and coalescing with the growing potency of the Reformation movement, which brought the two countries into line in 1560 on religious as well as political grounds, practically put and end to the old alliance.

Nevertheless, it had not the effect of materially diminishing the old sympathy between the two peoples, which has outlived all political and ecclesiastical changes. On the side of France, these expressions of sympathy took the form of conferring again and again substantial privileges on Scotsmen, such as the privilege of naturalisation, of committing the person of the king of France to the care of a Scottish guard, of exempting Scottish merchants

from duties levied on foreigners in France, of conferring high honours and extensive lands as well as high ecclesiastical office on Scotsmen who had gained their right to these distinctions by the services rendered by them to the French king and people. The memory of these things is preserved in official documents,¹ and the following is an example of the generous spirit of amity so long prevailing between the two peoples.

‘Lettres de naturalité générale pour toute la nation d’Ecosse par le roi Louis XII. en 1513. Louis par la grace de Dieu, roi de France. Sçavoir faisons à tous presens et avenir, que, comme, de tous temps et ancienneté, entre les rois de France et d’Ecosse, et les princes et subjects des royaumes, y ait eu très estroite amitié, confederation, et alliance perpetuelle, . . . et dernièrement du temps du vivant de feu nostre très cher seigneur et cousin le roi Charles VII., plusieurs princes du dict royaume d’Ecosse, avec grande nombre de gens de la dicte nation, vinrent par deça pour aider a jetter et expulser hors du royaume les Anglois, qui detenoient et occupoient la plus part du royaume ; lesquels exposerent leurs personnes si vertueusement contre les dicts Anglois, qu’ils furent chassés, et le dict royaume réduit en son obedience, depuis laquelle reduction, et pour le service que lui firent en cette matière, la grande loyauté et vertu qu’il trouva en eux, il en prit deux cents à la garde de sa personne . . . Parquoy nous . . . ayant regard aux grands services que les dicts roys d’Ecosse ont par cy-devant faits à nos dicts predecesseurs, à l’expulsion de nos dicts ennemies, à la grande loyauté et fidelité que toujours & sans jamais avoir varié a esté trouvé en eux, et ceux de leur dicte nation, envers nous, et singulierement au très grand, louable et recommandable service que nostre dict bon frere, couzin, et allié, le roi d’Ecosse moderne nous fait presentement . . . avons resolu declarer et ordonner . . . tous ceux du dict royaume d’Ecosse qui demeureront et decederont ci-apres en nos dicts royaumes . . . de quelque etat qu’ils soient . . . pourront acquerrir en icelui tous biens, seigneuries, et possessions qu’ils y pourront licitement acquerir etc. comme s’ils estoient natifs de nostre dict royaume.’

The League was, of course, due to the factor of self-interest on either side. There is no philanthropy in international politics. International history has been moulded by utility, except at those rare epochs when some ideal sentiment has asserted its power over

¹ A collection of them will be found in *Memoirs Concerning the Ancient Alliance*, pp. 35 et seq.

national action. Scotland became the ally of France because she became the enemy of England. France became the ally of Scotland for the same reason. Two and a half centuries later we see the play of the same factor of national self-interest in the alliance which united Scotland and England against France and in the union which made both kingdoms, as Great Britain, one in their attempt to crush or diminish French power. Alliances, like other things, change with the centuries, and Scotland, as the partner of England, has fought with England against France as manfully as it once fought with France against England. Nevertheless, the Franco-Scottish League did create for centuries a feeling of kinship, a mutual influence, a unity of effort which left their deep mark on the history of both countries. No Scotsman, despite subsequent divergent policies, can think of France but with a certain emotion as of the remembrance of the friend of 'auld lang syne,' and with a special admiration of all that France has accomplished in the history of European civilisation.

JAMES MACKINNON.

The Scottish Crown and the Episcopate in the Medieval Period

WE shall first say something of *Investiture*. At the opening of the period with which we are dealing we have in Scotland an echo, though only a faint and feeble echo, of the angry voices heard in England and on the continent of Europe with regard to the investiture of bishops by the king. In the language of feudal law to *invest* is to give actual possession, whether of the rights of property or of the rights of office. Investiture was ordinarily effected by the delivery of some symbol, such as the delivery of a turf, or a branch, or stick, in the conveyance of land, or, in the conveyance of the rights of office, by the delivery of some object commonly symbolical of office.

It had been the practice of monarchs to convey to bishops the rights of exercising jurisdiction within their dominions by the delivery of a ring and a pastoral staff. But there grew up in the minds of some ecclesiastics, towards the close of the eleventh century, the fear that the acceptance of such symbols from the secular power might be understood as implying that the spiritual powers of the episcopate were derived from man rather than from a higher authority. The ring, indeed, as merely a symbol of dignity, and not infrequently used in the investiture of laymen, was less open to objection than the delivery of the pastoral staff or crozier.¹ But even the delivery of the ring was capable of

¹ For the use of a ring in the investiture of Sir James Douglas in all his lands in free regality by Robert the Bruce, see Cosmo Innes, *Scotch Legal Antiquities*, 88. In 1500 Andrew, Bishop of Moray, invested Dougal, son of Roderic, as Prior of Beaulieu in Ross-shire by placing on his finger his (the Bishop's) ring (*The Charters of the Priory of Beaulieu*, p. 114). And the ordinary parish priest was commonly *invested* by the bishop of the diocese in the spiritual charge of his parish by placing the bishop's ring on his finger, while he was afterwards *inducted* into corporal possession of the church by the Dean of Christianity, on a mandate from the Bishop.

being understood in a sense inimical to ecclesiastical principles. The ring was regarded, in the case of its use by bishops, as symbolizing the *marriage* (*conjugium spirituale*), as it was styled, of the bishop to his diocese. The union of a bishop to his diocese was regarded as close, and as indissoluble without a special dispensation from the Pope. And in the ecclesiastical language of the time when a bishop died his church was said to be 'widowed.' The pastoral staff, however, was obviously symbolical of the bishop's spiritual office as shepherd of his flock. Was it right then, they argued, that these emblems of a spiritual office should be conveyed by the hands of a layman, however exalted his station and dignity? These thoughts had been for some time exercising the minds of the clergy when they were laid hold of by the most masterful man of his time in Western Christendom. Hildebrand, afterwards known as Gregory VII., was without any doubts as to the impossibility of tolerating the lay investiture. With the precision, definiteness, and force of a keen intellect and a resolute will he pressed his objection in season and out of season. His efforts met for a time with a varying success, but in the end he attained an almost complete triumph.

One need not here refer to the struggle as it was carried on in England. For our purpose it is enough to observe that, when Eadmer was elected to the bishopric of St. Andrews in the reign of Alexander I., the English king had already given way on the question of investiture *per annulum et baculum pastorem*. In Scotland, however, there was still to be a feeble effort on the part of the king to assert his claim. Eadmer consented to a compromise. He received the ring from the hand of Alexander; but he was quite firm in respect to the reception of the pastoral staff. This he declined to receive from the king, and he himself took that symbol of office from off the altar on which it had been previously placed. As has been explained, the delivery of a ring being often used in the investiture of lay feudatories of the Crown, Eadmer might, without any strain on his conscience, accept the ring as a symbol of his investiture in the temporalities of the see.

Archbishop Anselm, the intimate friend and companion of Eadmer, had, after a long contest, come to an agreement (1107) with Henry I. of England. There was to be no investiture by ring and staff, but the bishops of the Church of England were to do homage on their appointment to their sees. They thus acknowledged that they were subjects, and acknowledged the

king as feudal superior. This was all that Henry really sought, and so the struggle was brought to a close.

The relations of the Scottish and English Courts were at the time close and intimate. Henry's first wife was sister of Alexander, and Alexander was married to Sibilla, a natural daughter of Henry. There can be little doubt that the policy of Henry towards the Church was eventually, though slowly, reflected in the policy of Alexander. At any rate, after the time of Eadmer we hear little more of troubles in Scotland with respect to investiture.

It would not, however, be proper to omit reference to a rather puzzling letter of Pope Gregory (doubtless Gregory IX.) which appears in *Registrum Episcopatus Moraviensis* (No. 78). It is addressed to the Dean and Chapter of Moray, and is in reply to their complaints as to their liberties being infringed or in danger of being infringed. The Pope strictly prohibits anyone presuming to impede the free and canonical election of a bishop when the see is void, and forbids the Dean and Chapter conveying the pastoral staff and other pontifical *insignia* to a secular court, to be afterwards received therefrom, 'since what is spiritual ought not to be given (*exhiberi*) by the secular power.' The date is 'Lateran, Ides of April in the fifth year of our pontificate.' If Gregory IX. is the author of the letter (and it is practically impossible that it could be any other) the year is 1231; and it may be added that in that year Gregory IX. was at the Lateran in April.¹ But what is perplexing is the fact, as it seems, that the see of Moray was not void at this date. Andrew of Moravia seems to have succeeded to the bishopric in 1222, and died late in 1242.² We must not be tempted into the field of conjecture to explain the difficulty here presented. It must suffice for our purpose to note that some time not long previous to 1231 the Chapter of Moray feared an interference with the freedom of election, and that pressure had been put upon them to convey the pastoral staff *et alia insignia pontificalia* to a secular court, to be received again therefrom.

Passing now from questions as to *Investiture* we go to consider the influence of the Crown on the *appointment* of the bishops.

Not only did Henry I. of England abandon his claim to the investiture of the bishops, but he also conceded that for the future he would not appoint to bishoprics independently of the Chapters. In actual practice, however, the English King

¹ See Mas Latrie, *Treſor de Chronologie*, col. 1116.

² *Chronica de Mailros*.

exercised at first a dominating and always a powerful control over episcopal appointments. The Chapters at first were required to meet for the election in the Chapel Royal, and in the presence of the King's Justiciar. After a time it came to be recognised that the Chapter should not proceed to an election until they had received the King's licence (*congé d'élire*), and, moreover, after the election the King's 'assent' to the choice made had to be obtained.

I cannot remember having come across absolutely conclusive evidence that the early Scottish Kings required Chapters to hold the elections of bishops at the royal court. But one cannot but suspect that the departure from the usual practice of holding the elections in the chapter-houses of the respective Cathedrals exhibited in the three following cases (to which I have never seen attention called) was with a view to influencing the action of the electoral body. The *Chronicle of Melrose*, 1195, records 'Gregory, Bishop of Rosmarkin, died, and Reinald, monk of Melrose, was elected his successor upon the third of the Kalends of March, being the second day of the week, at Dunfermline.' That a bishop of the remote diocese of Ross should be elected at Dunfermline looks very significant. The second case is that of the postulation, 1202, of William of Malvoisine to the see of St. Andrews, which, according to *Scotichronicon*,¹ was celebrated at Scone. Dunfermline and Scone were each a royal residence. The third case is the election of Jocelin to Glasgow in 1174, which took place at Perth.²

But passing from this minor point, it is beyond doubt that in Scotland the licence to elect had first to be obtained from the King. And the King's assent to the result of the election was also sought before asking confirmation from the Pope. Examples of such process will presently be given. One of the very few instances of the electors attempting to defy the wishes of the King was when, in 1178, the Chapter of St. Andrews, emboldened perhaps by the presence of the Papal legate, elected John, the Scot. The King, William the Lion, utterly refused to accept John, and at his command Hugh, his chaplain, was consecrated, and put in possession of the see. The struggle that ensued, involving the grievous penalty of the whole kingdom being put under interdict and the King himself excommunicated, is a well-known incident in the ecclesiastical history of the country. But to the end the King adhered to his oath, 'by the arm of St.

¹ Lib. vi. cap. 42.

² *Chron. Mailros*, s.a.

James,' that John, the Scot, should never enjoy the bishopric of St. Andrews, nor obtain rule in that see.¹ In theory, however, the victory in the end remained with the Pope. For eventually both John and Hugh resigned all claims to St. Andrews into the hands of Pope Lucius III., a new pontiff, who grasped the situation more fully than his predecessor. On their resignation the Pope appointed Hugh to St. Andrews and John to Dunkeld, thus giving effect to the King's wishes, and making, as Lord Hailes observes, 'that *his* deed which was the King's *will*.'²

According to *Scotichronicon*,³ when in 1253 the Chapter of St. Andrews elected Robert de Stuteville, it was in opposition to the expressed will of the King, who desired the election of his chancellor, Gamelin. But the Pope, probably moved by the remonstrance of the King, refused to confirm the election; and took on himself to appoint a third man, Abel, Archdeacon of St. Andrews. Abel died after a few months; and then the King had his way. Such cases of opposition to the King are highly exceptional.

There is preserved at Rome in the Papal *Regesta* a document, printed by Theiner, which clearly testifies to the fact that it was believed in Scotland in the early part of the thirteenth century that the King could 'give' a bishopric to whom he would. In 1219 Walter, Bishop of Glasgow, was accused to the Pope, by one of the clergy of the Cathedral, of various offences of the gravest kind. Among these it was alleged that the Bishop (who must be Bishop Walter), when he was chaplain to the King, gave to Philip de Valon, the King's Chamberlain, 'one hundred marks, and promised a much larger sum to the Queen, in order that they might procure that the King should *give* him the bishopric of Glasgow. And so it was effected that, no canonical election intervening, he was promoted to the bishopric of Glasgow.'⁴ We need not concern ourselves with the question whether there was a foundation for this serious charge; it is enough for our purpose that it was believed to be possible.⁵

¹ *Scotichronicon*, lib. vi. capp. 35, 36.

² *Annals*, s.a. 1183.

³ Lib. x. cap. 8.

⁴ *Theiner*, No. xxix.

⁵ The *Chronicle of Melrose* is very precise that Walter, the King's Chaplain, was *elected* to Glasgow on the 9th Dec., 1207, and consecrated on the Feast of All Souls (Nov. 2) in the following year. There can be scarcely a doubt that there was at least the form of an election. The fact that, though the matter was remitted by the Pope to Pandolf, Bishop of Norwich, to investigate, Walter continued Bishop of Glasgow till his death in 1232, looks as though the charge was not proved, or was, at least, condoned.

It seems to me that in some cases the King may have left the Chapters free to make their choice, reserving to himself the right to give or withhold his 'assent' after the election had been made. This conjecture seems to fall in with the fact that disputed elections, though not very frequent, do occur from time to time.

But another explanation may perhaps be given of these disputed elections. The measure of secrecy that was observed as to how the electors voted in the case of elections *per scrutinium* would render it easy for those moved by conscience, or by personal animosity, to relieve their feelings without the dread of incurring royal disfavour. At any rate, the prevailing custom seems to have been to seek first the King's license to elect (*congé d'élire*), the King also claiming the right to assent or dissent to the choice of the Chapter when made.

Two documents printed by Theiner from the *Regesta* of Pope Gregory IX. put the position quite clearly. At the election of Randolf de Lambley, abbat of Arbroath, in 1239, to the bishopric of Aberdeen, as it was reported to the Pope, the electors, 'the royal consent having been begged and obtained,¹ canonically and unanimously elected our beloved son . . . abbat of Aberbredac,' etc.

The next record is even more valuable, for it refers both to the royal license and to the subsequent royal assent; and speaks of the obtaining of these as being *according to custom*. In the narrative of the election of David de Bernham to the bishopric of St. Andrews, the Papal mandate relates that the Prior and Convent of St. Andrews 'having first sought and obtained according to custom (*juxta morem*) from our most dear son in Christ . . . the illustrious king of Scotland leave to elect (*eligendi licentia*) elected Master David de Bernham, subdeacon, Chamberlain of the said King.' And later in the writ it is said of the election that to it 'the king is said to have given his assent.'²

In the case of the disputed election to the see of Candida Casa in 1235, already referred to,³ it is to be observed that the Chapter had claimed, whether truthfully or not, to have the royal consent for their election.

In this connexion it is worth noticing how frequently the more important sees were filled from the royal chaplains or other ecclesiastics holding offices in the King's court. From the

¹ *Theiner*, No. xcix, 'Implorato et obtento consensu regio.'

² *Ibid.* No. c.

³ See *Scottish Historical Review*, vii. pp. 18, 19.

Chronicle of Melrose and other sources we gather the following particulars. In 1163 Richard, the Chaplain of King Malcolm, was elected to St. Andrews; in 1164 Engelram, the King's Chancellor, was elected to Glasgow; in 1169 Richard, the King's Chaplain, was elected to Dunkeld; in 1187 Richard, 'clerk of King William,' was elected to the see of Moray; in 1189 Roger, the kinsman and Chancellor of King William, was elected to St. Andrews. In 1199 William Malvoisin, the Chancellor, was elected to Glasgow, and afterwards was translated to St. Andrews. His successor at Glasgow was the King's nephew, Florence. In 1207 Walter, the King's Chaplain, was elected to Glasgow. His successor (1223) was William de Bondington, the Chancellor. In 1207 Adam, the King's Clerk, was elected to Aberdeen. In 1209 Walter, Chamberlain to Alan Fitz Roland (married to the King's niece), was elected to Whithern. In 1213 Robert, Chaplain of the King, was elected to Ross. And it would be easy to enlarge the list.

Occasionally Fordun and Bower do not hesitate to express themselves freely as to the pressure put on Chapters by the King. Notably with regard to the election of William Wischard to St. Andrews in 1271, we are told that it was 'plus regis timore quam sui amore.'¹

Gamelin was elected Bishop of St. Andrews, and was confirmed by the Pope in 1255. Before his consecration, among certain charges made against him was the allegation that he had threatened the Prior and Canons of St. Andrews that if they did not elect him the King would expel them not only from their church, but also from the kingdom. We need not enquire whether the charges were true or false: it is enough for our purpose that they show what kind of charge was reckoned at the time as at least a plausible accusation.² It was probable that his position as Chaplain to the King and Chancellor of Scotland was quite sufficient to secure the choice of the electors. It should be remembered that, even were no pressure exerted on the part of the Crown, the Chapters would often be desirous to have as bishop one who by his influence at Court would be able to serve them in the frequent disputes arising as to the property and immunities of the Church. Certain it is that Scotland in this respect presented no contrast to England in medieval times. 'It is hardly too much to say,' observes a very competent authority on English Church history, the late Archdeacon Perry,

¹ *Scotichron.* x. 28.

² *Theiner*, No. cci.

‘that there was not one of the more distinguished bishops of the medieval period who was not employed in some State duties.’¹ And this remark made with respect to England is not less true of Scotland.

To our modern notions it is a little startling to find men appointed to bishoprics who were in the inferior ranks of the ministry. An example may be taken from England, and two or three from Scotland. Boniface, Archbishop of Canterbury, after his election received a faculty from Rome² to be ordained deacon and priest by any of his own suffragans. William Malvoisin, who was made Chancellor of Scotland in 1199, was only in deacon’s orders when he was elected to the bishopric of Glasgow. On Saturday, 24th September, he was ordained priest, and on the following day bishop by the Archbishop of Lyons. Henry le Chen was not in priest’s orders when elected (1282) to Aberdeen.³ When Adam of Crail, one of the King’s clerks, was elected to the bishopric of Aberdeen in 1207, the Pope enquired whether he had got himself ordained subdeacon with a view to his election.⁴

After the system of reservations and provisions by the Pope came to be in practice the rule, the wishes of the King were still generally effective. And towards the close of our period we have examples of the King directly nominating persons to the Pope, and the Pope giving effect to the nomination. In 1485 Parliament directed the King’s commissioners to represent to the Pope that the King’s will was that the Pope should allow the King six months to name to the Pope persons ‘as is thankfull to his hienes,’ and that none be promoted to prelacies or dignities ‘without avise of his hienes.’⁵ In an Act of Parliament of James V. (1526) we find a statement that practically represents the facts as they existed for some time previously: ‘Quhen Prelaces, sik as Bishopprickes or Abbacies, happenis to vaik, the nomination thereof perteinis to our Soveraine Lord, and the provision of the samin to the Paipe.’⁶ The same language is again employed by the Parliament in 1540.⁷

On 11 Feb., 1544-45, the Earl of Arran, writing from Edinburgh to Cardinal Rudolpho Pio de Carpi, the special Protector of the Scottish Church at the Court of Rome, says: ‘To this [the Scottish] nation an indult was of old granted by

¹ *History of the Church of England, First Period*, p. 506. ² xv. Kal. Oct. 1243.

³ *Cal. Pap. Reg.* i. 465.

⁴ See *Cal. Pap. Reg.* vol. i. pp. 200 and 30.

⁵ *Act. Parl.* ii. 171.

⁶ *Act. Parl.* ii. 309.

⁷ *Ib.* ii. 378.

the Apostolic See, and was renewed by the last Clement (*i.e.* Clement VII.) by which it was permitted to the king's governors of the Scots within twelve months [from a vacancy] to nominate whom they would to all elective ecclesiastical dignities (*omnibus electivis sacerdotiis*) to be fully advanced (*integre profici*) by the Pope'; and he goes on to give the warning that the Scottish nation would defend their rights in this respect.¹

After James IV. and his son, the youthful Archbishop of St. Andrews, had fallen in the slaughter at Flodden, in the confusion of the time Leo X. seized the opportunity of commending to the see of St. Andrews his nephew, Innocenzo Cibo, Cardinal-deacon of SS. Cosmas and Damian, 'thinking,' he said, in a letter to Margaret, the Queen-mother, 'that this would form a closer bond between us and your dear and beloved nation.' But this kind of token of Papal affection was naturally resented, and indeed was received with a storm of opposition in Scotland; and, as the Pope afterwards candidly admits, seeing that his provision was ineffective, and learning that the Queen and Council preferred one of their own people, he cancelled the provision, and advanced Andrew Forman (Bishop of Moray), Archbishop of Bourges, to the see.² He adds that if this appointment is accepted he will in future preserve (and extend) the privileges enjoyed by the Scottish nation. It is plain that even the masterful Giovanni de' Medici was made anxious by the effects produced by his blunder. A little later John, Duke of Albany, writing to Leo X., declares that it was a privilege and custom acknowledged by Pope Innocent VIII. (1484-1492), Alexander VI. (1492-1503), and Julius II. (1503-1513) that for eight months after the occurrence of a vacancy of a Scottish bishopric, or monastery, there should be no promotion by the Pope except *ad preces Regias*: and further that this rule was observed by the Popes above named even in the cases of vacancies occurring at Rome itself (*etiam intra almae urbis mœnia*). This latter allegation is doubtless made because for some centuries it had been a right of the Pope, acknowledged throughout Europe, to appoint to any bishopric which had become vacant by the death or resignation of the bishop taking place at the Apostolic See, or its immediate neighbourhood.

It would seem from what has been said that, while it is evident that the influence of the Scottish kings had always been great in determining the appointments made to bishoprics,

¹ *Epist. Reg. Scot.* ii. 236-7.

² *Epist. Reg. Scot.* i. 267.

towards the close of the fifteenth century there had been something of the nature of a formal, or informal, concordate between the Popes and the Scottish monarchs on this subject. In 1485 we find James III., supported by Parliament, directing his commissioners to address strong language to the Pope about a recent appointment made by the Pope to the bishopric of Dunkeld. They are ordered to 'schew and declare determytly to our said haly fader that our souveran lord wil not suffre maister George Broun nor nane othirs that has presumyt to be promovit to the said bischopric of Dunkelden, contrar our souveran lord's mynd, will, and speciale wreting, to have ony possessioun of the samyn.'¹ It is true that the King eventually yielded the point,—induced, it is said, by a gift of money.² But the tone of the communication served as a warning to the Roman curia.

Capitular elections were now a sham. What Gascoigne in the fifteenth century said of England is equally true of Scotland. An election was such only in name. The concurrence of the King and the Pope and a payment (*certa millia pecuniarum*) to the latter made a bishop.³

This article may now be brought to a close by briefly noticing three other features which disclose themselves in our study of the relations of the Scottish Crown to the Episcopate. (1) As in England, so in Scotland, the administration and usufruct of the temporalities of a bishopric, such more particularly as the bishop's lands, were claimed for the Crown during the vacancy of the see. The Scottish Exchequer Rolls supply several illustrations of this fact. The vacancies of episcopal sees were often prolonged, and there may have been temptations in Scotland, as there certainly were in England, for the monarch not to hasten appointments. The basis of this practice of taking possession of the temporalities seems to have been the feudal conception that the bishop's lands and other temporalities were of the nature of an estate held *in capite* of the Crown, which in default of an heir reverted to the Crown, or as a fief which, because of the minority of the vassal, was subject to the lord's administration and profit. In close connexion with this was (2) the claim of the Crown to have the patronage, during a vacancy, of all benefices to which the bishop, if there were one, would be entitled to collate. Various notices of this claim,

¹ *Act. Parl.* ii. 171.

² Myln, *Vitae Episc. Dunkeld.* 28 ff.

³ *Loci e Libro Veritatis*, 46.

which was not always admitted without opposition, will be found in Joseph Robertson's preface to *Statuta Ecclesiae Scoticae*. To these features we have to add (3) the claim for a long period made by the Crown to the possession of the moveable goods of a deceased prelate. This involved the forbidding of a bishop to dispose of such property by testament. The gossiping *Chronicle of Lanercost* tells us that it was commonly believed that Richard, bishop of Dunkeld (who died in 1272), had been poisoned by order of King Alexander III., with a view to the King's obtaining possession of his moveable estate. After various attempts for the remedy of the hardship referred to, the matter was finally settled by the Act of Parliament of James II. in 1449-50. This Act was followed by a Royal Charter, a copy of which was transmitted to every bishop in Scotland. The Charter is thus summarised by Robertson :

It 'not only gave the Prelates full and free power to dispose of their moveables by will, renouncing all claim or pretension on the part of the Crown ; but it provided that during the vacancy of a see the fruits of the bishop's mensal churches and the revenues of his spirituality should be collected and administered by the Vicar General, under account to the bishop's successor. Yet while thus liberal as to the bishop's personal estate, the Charter was careful to reserve the King's right during the vacancy to the real estate of the see, and to the advowson of all benefices in the bishop's collation. But a declaration was added, that in thus taking possession of the bishop's domains the Crown did not mean to eject the tenants, husbandmen, or labourers; on the contrary they were to abide in their lands until the see was filled.'¹

JOHN DOWDEN.

¹ *Statuta Ecclesiae Scoticae*, I. cvi. The Charter is printed in *Acta Parl. Scot.* ii. 61, 62.

Foundation of the Austin Priors of Nostell and Scone

THE order of Augustinians, canons regular, or black canons, took such a prominent part in the ecclesiastical reformation which followed in the train of the Norman Conquest, that it may be of interest to go over the story of its first planting in two important centres, which exerted no little influence in spreading the new ideas. The priories of Nostell and Scone are related to one another in many ways, and whatever doubts may exist about the respective dates of their foundation, it is safe to assume that the priory of Scone as an Augustinian house owes its origin to the canons of Nostell. It is not suggested that the Scottish priory was an affiliation of the English or in any way subject to it: the evidences only warrant that the first canons of Scone were imported under august patronage from the older foundation of St. Oswald's, Nostell, near Pontefract, in Yorkshire.

An Augustinian house may be described as a brotherhood, consisting mainly of priests, with a definite constitution specially drawn up for missionary work, or rather perhaps a college for the training of clergy for pastoral duties. It was not, like many of the other orders, a cloistered community living in religious isolation. The first planting, therefore, of Austin canons in a district is an evidence of the advance of the new ecclesiastical ideas whereby the old system of church government and organisation was gradually superseded. There is little doubt that in Scotland as well as in England, the reformation, according to Norman standards, proceeded on the ruins of the ancient church. If it is remembered that the Augustinians became established at St. Andrews, the mother church of the Scots, within a comparatively short time after their introduction into Scotland, we may well imagine how quickly the new leaven was working in the northern kingdom.

To trace the progress of the order in Scotland would be to

survey the movement for the reformation of the Celtic church, but that is not the purpose here. We are concerned only with its introduction into Scotland, and if it can be shown that there are good grounds for accepting the venerable tradition that it was Alexander I. who established Austin canons at Scone, we get a glimpse of his reforming policy in selecting this order for ecclesiastical work in what Dr. Skene¹ called 'the most central and important position in his kingdom, that of Scone, which was peculiarly associated with the very heart of the monarchy, and had been the scene of previous legislation regarding the church.' Nor does the royal project lose its significance, if it happen that the migration of the canons to Scone was the first lodgment of a foreign community in Scotland—the priory of Coldingham, which stands on a different plane, excepted.

If the first canons of Scone came from Nostell, a supposition which has not been seriously questioned, it is obvious that the date of the foundation of the earlier house is an important factor in the inquiry. Some excellent authorities hesitate to believe that the Augustinians obtained a settlement at Nostell before the consecration of Archbishop Thurstin of York in 1119, or indeed before his reconciliation with Henry I. in 1121, and should such an opinion prevail, the statement of the chronicler of Melrose on the coming of the canons to Scone in 1115² must be modified or abandoned. Dr. Prescott³ sums up the discussion on the date of the foundation of Nostell, that 'the confirmation charters of Henry I. and Henry II. distinctly state that Regular Canons were placed there by Archbishop Thurstin. The date of foundation was probably in or shortly after the year 1121.' Much the same view is taken by Sir Archibald Lawrie,⁴ who not only throws over the Scottish chroniclers on the date of the origin of Scone, but has misgivings about the integrity of the charters of Alexander I. to that priory, printed by the Bannatyne Club, so far as they are inconsistent with the alleged late foundation of the parent house of Nostell. Authorities so eminent cannot be lightly disregarded. When they seek, however, to reverse a tradition accepted and handed down by an imposing succession of

¹ *Celtic Scotland*, ii. 374.

² *Chron. de Mailros* (Bannatyne Club), p. 65. Fordun puts the foundation in the year before (*Scotichronicon*, i. 286, ed. Goodall).

³ *Register of Wetherhal*, p. 480.

⁴ *Early Scottish Charters*, pp. 280-1, 294-7.

historians and scholars, students may be pardoned if they refuse to follow till the contrary evidence is weighty enough to command a ready assent.

The difficulty surrounding the foundation of Nostell seems to have originated in the charter¹ of Henry I., in which it is stated that the canons regular had been brought there through the instrumentality of Archbishop Thurstin, and as that prelate, though elected and enthroned in 1114, had not been consecrated till 1119, it has been inferred that the foundation of the Augustinian priory must have taken place after his consecration. The inference, however, involves an assumption that cannot be allowed. Thurstin was a great and inspiring influence in the north of England, not only before his consecration, but even before his election to the primacy. No doubt, before his consecration he was incapable of exercising those pontifical faculties which the act of episcopal consecration is designed to bestow, but his election and confirmation to the see of York invested him with exalted station and administrative powers sufficient to carry out the reforming policy in the church identified with his name.

Hugh the Chanter, the York historian, tells that Thurstin was the friend and counsellor of William Rufus and Henry I., and that whether the latter king was in England or Normandy extensive powers of administration were committed to his trusted chaplain.² What is known of the acts of Thurstin before his consecration agrees with the estimate of his early career there indicated. For two years before his election to York he was working at the priory of Hexham where he established the Augustinians in 1112, though it was not till 1114, the year of his own election, that Asketill, the first prior, was set up by his means.³ It was customary, too, at this period for prelates to assume ecclesiastical titles before consecration. In fact we find Thurstin witnessing a royal charter⁴ with the style of Archbishop of York so early as 13 September, 1114, less than a month after his postulation to the see. In these circumstances it appears indefensible to assume the date of consecration as the beginning and source of the administrative acts of the great prelate. So far

¹ Printed by Dugdale in *Monasticon* (new edition), vi. 92-3.

² *Historians of the Church of York* (R.S.), ii. 129.

³ *Priory of Hexham* (Surtees Soc.), i. 56, 192-3: Symeon of Durham, *Hist. Regum* (R.S.), ii. 304.

⁴ *Cal. of Charter Rolls* (R.S.), iii. 347. See also *Chron. de Abingdon* (R.S.), ii. 111.

as the statement in the charter is concerned, the foundation of Nostell may be set in any year in which it can be proved that Thurstin was working in the North, either as a royal chaplain or as Archbishop of York, for it would be natural to refer back to his personal acts and describe them under the title he bore when the charter was issued. Anyhow, it leaves the whole period between his election and consecration open for the foundation of Nostell, and, if the example of Hexham be considered, the range of possibility is wider still.

When we turn to the confirmation charter¹ of Henry I. to Nostell, it seems difficult to believe that the foundation of the house as an Augustinian priory was originated by that charter, in view of the number and variety of the endowments with which it had been enriched by a multitude of local magnates. We must presuppose an institution of some standing, having regard to the contents of the charter, when the king's sanction was sought. The confirmation must have been obtained after 12 June, 1121, when Everard, bishop of Norwich, was consecrated, and before 15 August, 1127, when Richard, bishop of Hereford, died, two of the witnesses of the charter. At present the name of the founder, if such a lay magnate ever existed, is not known, nor can a foundation charter other than that of Henry I. be discovered. It would appear that Thurstin encouraged the local magnates to assist him in founding the house: he gave to it endowments like the church of the castle of Tickell, which belonged to him in his capacity as a royal chaplain: and when the scheme was complete and the canons established and the institution in a sound condition, the archbishop seized the occasion of the king's visit to York in 1122² to obtain the royal approval.

It should be pointed out that no heed can be given to Dugdale's supposition that the charter of Robert de Lacy, which he printed in his first edition of the *Monasticon*³ and which has been handed on without question by his modern editors,⁴ is the *carta foundationis* of Nostell. If that had been the case, the date of foundation would have presented little difficulty. The chartulary⁵ of the house in the British Museum is imperfect in the opening pages, beginning only in the middle of the confirmation charter of

¹ Dugdale, *Monasticon*, vi. 92-3.

² Symeon of Durham, *Hist. Regum.* (R.S.), ii. 267.

³ ii. 33-4.

⁴ vi. 92.

⁵ It is entitled 'Registrum Cartarum Abbathiae S. Oswaldi de Nostell in agro Eboracensi, ex dono Christopheri Baronis Hatton' (Cott. MS. Vespasian, E. xix.).

Henry II. An early custodian of the bound book volunteered the information on the top of the page that 'carta regis Hen. I. (hic impie abscissa) rescribitur' on a later folio.

The Lacy deeds, beginning with that of Henry de Lacy, occupy a place by themselves in genealogical sequence, including charters of Robert de Lacy, the last of the family of the first succession, whose charter Dugdale had mistaken for that of his namesake and progenitor, Robert fitz Ilbert, who was dispossessed of the Honor of Pontefract, as it is supposed for complicity in the Montgomery rebellion half a century before.¹ It is curious, as showing the local knowledge of the compiler of the chartulary, that he prefaced the Lacy group with the charter of Hugh de Laval, upon whom Henry I. had bestowed the forfeited estates. During the anarchy under Stephen, Pontefract was regained by the family, if not in the person of Ilbert de Lacy, the second of that name, who fought for the king at the battle of the Standard, at least in that of his son Henry, who confirmed the canons of Nostell in their possessions.

The recent troubles are referred to in Henry's charter as the *tempus guerre*. The Robert de Lacy who, according to Dugdale, issued the *carta foundationis*, was a later personage, the contemporary of Archbishop Roger of York, 1154-1181, and of Robert the Poitevin, who is mentioned in the so-called charter of foundation and who was himself a benefactor of the canons. Though Ilbert de Lacy and Robert fitz Ilbert were patrons of Nostell before the forfeiture in 1102-3, as stated in the great confirmation of Henry I., their charters have not been preserved. Inferences about the approximate date of the foundation as an Augustinian house must be drawn from a multitude of early charters, when no single charter meets the requirements. In the writer's view, without going into particulars, a study of the chartulary, notably of those deeds of endowment confirmed by Henry I. about 1122, will throw back the foundation of the Augustinian house and leave sufficient margin to account for the traditional story that Nostell was the source of its more famous offshoot at Scone.

¹ Malmesbury (R.S. i. 473) only mentions the three Montgomery brothers as exiled in 1102-3, and Orderic Vitalis (bk. x. c. 18 ; bk. xi. c. 1) is indefinite about the fate of Robert de Lacy and his son Ilbert II. ; but Priors Richard and John of Hexham (Surtees Soc. i. 64-5, 119) agree that Henry I. seized the Honor of Pontefract and banished Robert and Ilbert from the kingdom, adding that at the king's death Ilbert recovered his patrimony from Stephen. Aelred states that Ilbert II., who commanded at the Standard, was an exile in the time of King Henry (Twysden, *Decem Script.*, 337).

One of the alleged flaws in the foundation charter of Scone¹ is the somewhat startling reference to the Yorkshire house. In order to augment and exalt the worship of God, as the charter recites, it pleased King Alexander to apply to the Augustinians of Nostell, the fame of whose order had become known to him by the testimony of trustworthy men, for canons to supply the new institution he was setting up at Scone. With the consent of Prior Adelwald the canons came, and to them was committed the custody of the church in which they were established according to the rule of St. Augustine.

But the objection has been raised that inasmuch as Adelwald was not prior of Nostell till 1128, four years after King Alexander's death, the statement is of no value, except so far as it confirms the suspicion that the charter is spurious. If the objection can be upheld, the trustworthiness of the writing in its present form is wrecked without hope of rehabilitation. It may be asked, however, what evidence there is that Adelwald was not prior of Nostell before 1128. Fortunately this aspect of the difficulty admits of easy proof. There is indisputable evidence of chronicle and charter that Adelwald was prior of the Augustinians at Nostell for some years during the lifetime of Alexander I. Thomas Stubbs² states, for instance, that Archbishop Thurstin sent Geoffrey, abbot of York, and Adelwald, prior of St. Oswald, as his proctors early in 1123 with a mandate to William of Corbeil, the elect of Canterbury, that he wished to consecrate him. As Archbishop Ralf had died on 20 October, 1122, and William his successor was elected at the Council of Gloucester on 4 February and consecrated on 18 February, 1123, the prior of Nostell must have been an influential figure of some standing in the northern province to be entrusted with such a mission.

But we are not dependent on the statement of a chronicler alone. There is in the chartulary of Nostell (fol. 112) a deed which furnishes a definite period in Adelwald's priorate. Bishop Robert of Lincoln, on the earnest petition of his beloved son A[delwald], prior of St. Oswald, confirmed three churches in his diocese to the church of St. Oswald and the canons there *Omnipotentis mancipatis obsequio*, a charter which was afterwards confirmed by Archbishop Thomas (Becket) of Canterbury. As Bishop Robert Bloett died on 10 January, 1123, and as there is no need, after an episcopate of nearly thirty years, to date the issue of his charters from

¹ *Liber Ecclesie de Scon* (Bann. Club), No. 1.

² Twysden, *Decem Script.*, col. 1717.

his death-bed, it will be seen that Prior Adelwald was necessarily the contemporary of King Alexander, and it must be acknowledged that no fault can be found with the foundation charter of Scone by reason of its mention of Adelwald's co-operation in introducing the Augustinians into Scotland. A few years count but little in the building of a cathedral or the founding of a religious house. Vast projects like these extend over such considerable periods that contemporaries may without discredit to their accuracy be at variance about the precise date when a particular institution came into being. Though we are not wedded to the chronological precision of the chronicler of Melrose or John of Fordun, one can scarcely say that the evidences at our disposal are inconsistent with their approximate dates of the foundation of Scone.

The close connection between the two priories receives illustration in a most unexpected way. Doubt has been thrown on King Alexander's subsequent charters¹ to Scone, mainly on the ground that they were not engrossed in the older chartulary of the house, though printed by the Bannatyne Club from a more recent compilation. Is it too hazardous to take the opposite view? Was there not more danger of forgery at the time of the older compilation, when the charters had a greater legal value, than at a later date when the early charters were beginning to lose their original significance?

The necessity for a chartulary needs no exposition. As the original instruments of enfeoffment, in charge of the *custos cartarum* of a religious house, began to deteriorate by lapse of time, they were copied into a book for the sake of preservation or of handy reference. The new edition of a chartulary simply meant a fresh access of material, either discovered in the muniment room or collected elsewhere. This view is strengthened by the admission of the editor of the printed book of Scone² that 'the transcriber' of the later register 'must have had access to the original documents, as the names of the witnesses are given in several instances where they are omitted in the old register.' The admission, however, is double-edged in so far as it reflects on the four charters of Alexander I. not included in the earlier compilation and the originals of which were not forthcoming for the later, in view of the fire at Scone, which is said, on good authority, to have reduced to ashes the early muniments of the canons and to have necessitated their renewal by King Malcolm IV.

¹ *Liber Eccl. de Scon*, Nos. 2, 3, 4.

² Preface, p. xviii.

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in a confirmatory charter¹ of 1164 from transcripts in their possession.

The burning of the early charters of Scone is a point of considerable interest in a discussion of the authenticity of King Alexander's charters, for it may be reasonably urged that they, too, must have perished in the conflagration. On the other hand, it may well be pleaded that King Malcolm's *inspeximus* of his progenitor's charters is too close and circumstantial for the supposition that no trustworthy copies were available at the date of the great renewal. The same cannot be said of King David's charters to the house, for all we know of them, as no copies have survived, is contained in his grandson's confirmation, but it would appear from what we are told there that David, as we might suspect, was a more munificent benefactor of the canons than his brother Alexander. Is it extravagant, then, to suggest that it was the loss of David's charters, and not those of Alexander, which occasioned the intervention of Malcolm in 1164? Not perhaps as it may at first sight appear. It would be almost sensational, for instance, to find in another collection a charter of Alexander I. to Scone, not included in either recension of the chartulary of that priory. But that is exactly what we have in the chartulary of Nostell (fol. 110):

CARTA A[LEXANDRI] REGIS SCOTTORUM.

A[lexander], dei gracia, rex Scottorum, omnibus mercatoribus Anglie, salutem. Sciatis me concessisse ecclesie sancte Trinitatis de Scona et Roberto priori et ceteris fratribus totum Can unius navis quam proloquitur liberum et quietum, et quicumque cum naui sua secundum prolocucionem eorum uenire uoluerit nisi forte aliquam conuencionem prius fecerit mecum. Uolo ut cum firma pace dei et mea secure ueniat et sit quietus de Can navis sue, sicut a priore predicto impetrire poterit quam pro Can illius navis nihil mihi reddet, sed inde erga me erit liber et quietus, ceteris regalibus consuetudinibus saluis existentibus. Testibus, etc.²

There is no desire here to comment on the likeness of this deed to its fellow (No. 3) in the printed book: such similarities combined with equal variations are to be found in most collections of early charters. But there is no mistaking its identity with the recitation of the Can charter in the *inspeximus* of King Malcolm. Few will gainsay that it was a copy of the Yorkshire deed, and not of that in the late chartulary of Scone, which was before the scribe in the royal chancery. Be that as it may, the

¹ *Ibid.* No. 5.

² Date about 1120.

charter, owing to its habitation, apart from its intrinsic value, goes a long way to vindicate the integrity of the incriminated charters of Alexander to Scone; and the mention of Prior Robert in a charter preserved at Nostell lends plausibility, if not certainty, to the statement of Fordun that it was Alexander I. who called from Nostell, with the consent of Prior Adelwald, six canons who obeyed the rule of St. Augustine, among whom was Robert, a man of mature wisdom, who was immediately elected prior of Scone, and after a few years preferred by the king's licence to the see of St. Andrews.¹ That such a deed should have found its way to a place so distant as Nostell shakes confidence in the allegation that all the early charters of Scone were destroyed in the burning of the priory before 1164. Its preservation at Nostell till it was engrossed in its chartulary betokens an inter-communication and brotherhood between the two houses in accordance with their traditional relationship.

One of the strange puzzles surrounding the foundation of Scone is the long association of the royal family of Scotland with the parent house in Yorkshire. Why did Alexander pass by the great Augustinian priory of Hexham, situated in a region which had historical and political relationships with Scotland, and fix upon Nostell as the source from which to draw his ecclesiastical agents? How did it come that the royal patronage of that house continued till the Scots were obliged to withdraw from Northern England? Was the Countess Maud of Northampton, afterwards wife of Prince David, and subsequently Queen of Scotland, the connecting link, or was there a more subtle influence not yet apparent? These questions will be more easily studied if we reproduce a series of royal charters to the canons of Nostell, hitherto, so far as we have ascertained, unprinted and unknown. These charters may be arranged here without reference to their chronological sequence or order in the chartulary.²

I. CARTA DAVID REGIS SCOTTORUM.

Dauid, dei gracia, rex Scottorum, omnibus sancte ecclesie fidelibus, salutem. Sciatis me concessisse et dedisse in elemosinam imperpetuum ecclesie sancti Osualdi redditum xl solidorum de redditibus meis de

¹ *Scotichronicon* (ed. Goodall), i. 316. The postulation of Rodbert, prior of the canons regular of Scone, to the see of St. Andrews, was made in 1124, a few months before King Alexander's death (Symeon, *Hist. Regum*, ii. 275, R.S.). The charter gives credibility to the *paucis annis* of Fordun, during which Robert held the priorate of Scone before 1124.

² Chartulary of Nostell (Cott. MS. Vespasian, E. xix.), fol. 110.

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Bedeford, sicut Matildis regina, uxor mea, ante obitum suum, eidem ecclesie prefatum redditum concessit, Henrico filio meo hoc idem concedente et attestante. Huius autem doni sunt testes, etc.¹

2. CARTA DAVID REGIS SCOTTORUM.

Dauid, rex Scottorum, Justicie sue et ministris de mineria sua de Carll[eol]o, salutem. Sciatis me concessisse ecclesie sancti Osuualdi et canonicis ibidem deo seruientibus tres marcas argenti unoquoque anno de mineria de Carleolo ad festum sancti Michaelis, pro anima mea et anima filii mei et animabus antecessorum meorum, quousque alibi illis inde escambium reddam. Testibus A[delwaldo], episcopo de Carleolo, etc.²

3. CARTA H[ENRICI] FILII REGIS SCOTTORUM.

H[enricus], filius regis Scottorum, omnibus sancte ecclesie filiis, salutem. Sciatis me concessisse et dedisse in elemosinam inperpetuum ecclesie sancti Osuualdi redditum xl solidorum de redditibus meis de Bedeford, sicut Matildis regina, mater mea, ante obitum suum, eidem ecclesie prefatum redditum concessit. Huius autem doni sunt testes, Eadwardus cancellarius, etc.³

4. CARTA H[ENRICI] COMITIS, FILII REGIS SCOTTORUM.

H[enricus] Comes, filius regis Scottorum, iusticie sue [et] ministris de mineria sua de Carll[eolo], salutem. Sciatis me concessisse ecclesie sancti Osuualdi et canonicis ibidem deo seruientibus iij marcas unoquoque anno de mineria mea de Carll[eolo] ad festum sancti Michaelis, pro anima matris mee et animabus antecessorum meorum, quousque alibi illis inde escambium reddam. Testibus, etc.⁴

5. CARTA M[ALCOLMI] REGIS SCOTTORUM.

M[alcolmus], rex Scottorum, dap[i]f[er]e de Huntet' et ministris suis de Bedeford', salutem. Sciatis me concessisse et dedisse in elemosinam imperpetuum ecclesie sancti Osuualdi de Nostl' redditum xl solidorum de redditibus meis de Bedeford', sicut David rex, auus meus, et Matildis, auua (*sic*) mea, et Henricus, pater meus, ei concesserint. Quare uolo et precipio uobis ut predictum redditum eidem ecclesie amodo annuatim reddatis, ne clamor inde audiatur. Testibus, etc.⁵

6. CARTA M[ALCOLMI] REGIS SCOTTORUM.

M[alcolmus], rex Scottorum, abbat[iss]e et toti conuentui de Alnes-towa,⁶ salutem. Precipio uobis quatinus sine dilacione faciatis habere canonicis de sancto Osuualdo ad terminum statutum a meis ante-

¹ Date between 1130 and 1152.

² Date between 1138 and 1152.

³ Date about 1145.

⁴ Date, 1138-1152.

⁵ Date, 1153-1165.

⁶ The nunnery of Elstow, in Bedfordshire.

cessoribus, scilicet, ad diem hocstuiesdai,¹ xl solidos de elemosina Daud regis, aui mei, quod si non feceritis, dapifer meus de Hunted' hoc fieri faciat, ne pro pecunia redditus ad terminum predictum clamorem inde audiam. Testibus, etc.

If these royal charters stood alone, the rent in Bedford would be naturally ascribed, in the absence of a more ostensible reason, to some personal predilection of Queen Maud, though the benefaction arising from the silver mine² of Carlisle was undoubtedly due to the influence at the Scottish court, then resident in Carlisle, of Adelwald, who held the priorate of Nostell at this period with the bishopric of Carlisle. But there is a disturbing cross current, which to some extent discounts our attribution of the gift to the initiation or personal interest of the Queen. It is said that when Waldeve, the saintly abbot of Melrose, first turned his back on the world, he took the profession of an Augustinian canon in the priory of Nostell. As the abbot, whom the chronicler of Melrose³ calls the uncle of Malcolm IV., whose charters are printed above, was a younger son of Queen Maud by her previous marriage with Earl Simon of Northampton, we have a very early connection of the Senliz family with the Yorkshire priory. There is, however, a grant of Earl Simon to the canons of Nostell, which may or may not be considered to have preceded the Queen's gift of rent in Bedford.

CARTA SYMONIS COMITIS.

Comes Simon, omnibus fidelibus sancte ecclesie tam presentibus quam futuris, salutem. Sciatis me concessisse et hac presenti carta confirmasse deo et ecclesie sancti Osualdi de Nostl' et canonicis ibidem deo seruientibus, pro salute anime mee et patris mei et omnium antecessorum meorum, tres marcas argenti de redditu me[o] in

¹This is the earliest date (1153-1165) yet discovered of the use of this law term. Matthew Paris (*Chronica Majora*, v. 281, 493, 676, R.S.) refers to it under 1252 as *Hokedai*. There has been much discussion among the glossarists about its meaning and exact date. Compare the law dictionaries with Hampson, *Medii Ævi Kalend.* ii. 198-9, and Brand, *Popular Antiquities* (ed. Ellis, 1841), i. 107, 114. The definite mention of *Hocstuiesdai* in King Malcolm's charter is very interesting in view of the disputes about it. The exact date after Easter is ascertained from the charter of Earl Simon printed below.

²One of the chroniclers states that a vein of silver was discovered at Carlisle in 1133 (*Eulogium Historiarum*, R.S., iii. 64), but he is in error about the date, for these mines were worked by the citizens and other lessees several years before (*Mag. Rot. Pip.* 31 Hen. i. p. 142, Rec. Com.). For the location and early history of these mines, see *Victoria Hist. of Cumberland*, ii. 338-9.

³*Chron. de Mailros*, p. 76.

Benefordia, s[cilicet], de tercio denario qui pertinet ad comitatum meum, xx solidos die proximo Martis post octabas Pasche et alios xx solidos ad festum sancti Michaelis. Quare uolo et firmiter precipio quod predicta ecclesia hanc meam elemosinam et antecessorum meorum inperpetuum teneat, sicut aliqua ecclesia¹ in Anglia aliquam elemosinam liberius et quietius tenet. Hiis, etc.²

As the charter is unfortunately without witnesses, it would be unwise to determine whether it was issued by the Queen's first husband or by her son of that marriage, who was called, for the sake of distinction, *Simon Silvanectensis*,³ and who died in 1153. As the elder Simon died about 1115, it may be contended that the style of the charter is more appropriate to the period of the second earl. On the other hand, the absence of reference to a previous gift, a reference so conspicuous in the royal charters, and the identification of the source from which the Bedford rent should be derived, viz. the third penny of his county, an archaic feature in itself, make one hesitate to decide on the personality of the grantor. If the contents of the charter warrant its ascription to the first earl, though the alternative supposition is much more attractive, the date of the foundation of the priory is put back to a period earlier than is needed to settle the difficulty about Scone.

In whatever way the Scottish interest arose in Nostell, its significance, in view of the foundation of Scone, cannot well be exaggerated. The preservation of a charter of Alexander I. is a feature, too, that should not be overlooked. Scotsmen cannot help regarding the Yorkshire house as one of their sacred places. The migration of the canons regular across the Border as the first community of foreign emissaries, organized to carry out a reformation in the church in the central districts of the kingdom, must be accounted as an important episode in the ecclesiastical vicissitudes of Scotland. Remembering the rapidity with which communities of the new order were established in various places throughout the country, Scone, Inchcolm, Edinburgh, St. Andrews, and the rest, was ever ecclesiastical reformer rewarded with such success in his lifetime as Prior Adelwald? His foresight and enterprise and missionary zeal in propagating the

¹ This word is represented in the manuscript by *elia*, the usual contraction for *elemosina*, no doubt by a slip of the scribe.

² This charter of Earl Simon is found on fol. 110 of the Chartulary of Nostell.

³ *Priory of Hexham* (Surtees Soc.), p. 171; Huntingdon, *Hist. Anglorum* (R.S.) p. 288. The name is of course the Latinized form of Simon of Senliz.

new ideas of ecclesiastical life and government beyond the limits of England may not without reason be compared with the political and religious services accomplished by him, as well in healing national differences while the northern counties were held by the Scottish king, as in the reconstruction of the church of Carlisle, of which he became bishop on the formation of the new diocese in 1133, and over which he ruled till his death in 1156, three years after the death of King David, his friend and patron.

II

Since the above notes were put in type, a visit to Nostell Priory has led to the recovery of the text of the bull whereby the institution of canons regular in that house received papal sanction. An anonymous writer, no doubt a canon of Nostell, who compiled an account of the foundation and carried on biographies of the priors up to his own date, near the close of the fourteenth century, tells a romantic tale of the coming of the Augustinians to St. Oswald's, which may be regarded as a pious endeavour to reconcile documentary facts with a vague tradition. No misgiving, however, may be entertained about the documents he has introduced into his narrative. With the exception of two important papal bulls, the documents he used can be traced in the chartulary of the priory.

The manuscript at Nostell has been summarized by Burton and other Yorkshire historians, and Burton's report,¹ which has been appropriated by Dugdale's editors,² has given rise to widespread misconception about the real nature of its contents. As Lord St. Oswald, the owner of the manuscript, has generously given permission for its publication in this *Review*, so far as it bears on the present inquiry, the student will have an opportunity of forming his opinion on the narrative. As the necessary portion of the manuscript is printed in the appendix, there is no need to point out the obvious inconsistencies in facts and dates.

According to the author's story, a certain Ralf, surnamed Aldlan, chaplain and confessor of Henry I., fell ill at Pontefract on his way to the North with the king, as that monarch was hastening with the army towards Scotland for the purpose of

¹ *Monasticon Eboracense*, pp. 300, 301.

² *Monasticon*, vi. 89-90.

putting down a rebellion. During convalescence, while rambling in the woods near that town, the royal chaplain discovered a cottage or oratory where certain hermits were in seclusion, devoutly engaged in fasting and prayer. Charmed with their conversation, he resolved to join the brotherhood, but postponed taking the decisive step till the king's return. Having obtained the king's sanction, the chaplain then and there adopted the order and rule of St. Augustine, and was made master and rector of eleven brethren. Upon that spot the chapel of St. Oswald was afterwards erected, and the place was called le Nostell.

No evidence is at present forthcoming to rebut or substantiate the story about Ralf, surnamed Aldlan. It is noteworthy that the author, contrary to his habit, refers to no document in illustration of this portion of the narrative. His mind appears to have been running throughout on the charter of Henry I., and all his ingenuity is employed in adapting it to the requirements of some local tradition. Nothing definite is known now of the royal confessor, and from the statement in the narrative it is to be suspected that the author knew little more. The authority for the king's visit to the North at the date named, or at any previous date appropriate to the alleged events, has yet to be discovered. The date of the confirmatory charter to Nostell is misplaced, and the whole environment of the story has a legendary air.

The canon of Nostell, however, has made a valuable contribution to the history of his house, for which he deserves unstinted praise. It is due to his literary proclivities that the bull has been preserved, whereby the Austin institution, introduced by Archbishop Thurstin at some previous date, received papal recognition. This document places us on firm ground, from which there can be no appeal. It will be seen that the fresh light leaves the position unchanged.

The bull, as it stands incorporated in the narrative, is as follows:

Calixtus episcopus, seruus seruorum dei, dilectis filiis priori et eius fratribus in ecclesia sancti Oswaldi iuxta Pontefractum regularem uitam professis, tam presentibus quam futuris. Inperpetuum austri terram inhabitantibus per prophetam¹ dominus precipit cum panibus occurrere fugienti, idcirco uos, in Christo filii reuerendissimi, de seculo fugientes, gratantes accepimus, et uestris per uenerabilem fratrem nostrum Turstinum, Eboracensem archiepiscopum, petitionibus annuentes, per sancti spiritus gratiam, sedis apostolice munimine confouemus, uite namque canonice ordinem, quem

¹ Compare Zechariah, vii. 7-9.

secundum beati Augustini regulam professi estis, presentis priuilegii auctoritate confirmamus. Et ne cui post professionem exhibitam proprium quid habere [blank space]¹ sine prioris uel congregacionis licencia de claustro discedere interdiciamus [blank space].² Preterea uobis uestrisque successoribus, in eadem religione mansuris, ea omnia perpetuo possidenda sanximus, que in presenciarum pro communis uictus sustentacione legitime possidere uidemus. Uniuersa eciam, que in futurum concessione pontificum, liberalitate principum, oblacione fidelium, uel aliis iustis modis poteritis adipisci, quieta semper et integra conseruetur, eorum, pro quorum sustentacione ac gubernacione acquisita sunt, usibus omnimodis profutura. Nulli ergo homini omnino facultas sit eandem ecclesiam perturbare temere, aut eius possessiones auferre, uel ablatas retinere, minuere, uel temerariis uexacionibus fatigare. Siquis autem, quod absit, huic nostro decreto contraire temptauerit, honoris et officii sui periculum paciatur, aut excommunicacionis ulcione plectatur, nisi presumptionem suam digna satisfactione correxerit. Quicumque uero ipsum locum et in eo domino seruientes fouere suisque rebus honorare curauerit, Omnipotentis Dei et apostolorum eius benedictionem et gratiam consequatur. Amen. Acta sunt Trinortii anno gracie quo supra xxº. Pontificatus sanctissimi in Christo patris et domini nostri Calixti secundi anno primo.

No brief of Calixtus II. has yet been discovered, dated from this place, but there is ample evidence to uphold its genuineness and to determine the date within the compass of a few days.

It is well known that Archbishop Thurstin was abroad in 1119-1121 in pursuance of his controversy with King Henry about the rights of his see, and that he was consecrated at Rheims by Pope Calixtus on 19 October, 1119. The itinerary of the papal court on its return to Rome can be traced from the bulls issued on the journey. The pontiff was at Cluny on 3-5 January, and at Macon on 14 January, 1120. From the latter place he informed the bishops of Macon and Châlons that when recently at Trenortium (*nos nuper Trenortium uenientes*) he had consecrated altars and hallowed a burial-ground for the use of the abbot and brethren of that place.³ It is clear, then, that the Nostell brief was given at Tournus, which is situated midway between Macon and Châlons, on 5-14 January, 1120.

By the happy preservation of this brief, the date of the papal recognition of canons regular at Nostell may be regarded as

¹ For a few words only. The stereotyped phrase is well known.

² For about two lines and a half.

³ Mansi, *Concilia*, xxi. 205 ; Migne, *Patrologiae*, clxiii. 1155.

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settled. The confirmation of Henry I. took place soon after his reconciliation with Archbishop Thurstin, perhaps in 1122, as we have suggested, while the king was at York.

In the same narrative there is embedded another brief of Pope Calixtus, unfortunately not dated, from which it seems reasonable to infer that Prior Adelwald was the colleague of Archbishop Thurstin when the rule of St. Augustine was adopted at Nostell.

Calixtus episcopus, seruus seruorum dei, dilectis filiis Adelwaldo, priori ecclesie sancti Oswaldi, et fratribus suis, canonicis regularibus, salutem et apostolicam benedictionem. Religiosorum fratrum nos oportunitati intendere apostolice sedis auctoritas exhortatur, que nos facit omnibus debitores. Quampropter uestris, reuerendissimi in domino filii, commoditatibus caritatis paterne debito dignum duximus prouidere. Illam ergo ecclesie uestre de loco ad locum mutationem, quam pro communi uestra utilitate fecistis, nos, a reuerendissimo fratre nostro Turstino Eboracensi archiepiscopo exorati, presentis decreti pagina confirmauimus et ratam futuris temporibus decreuimus, auctore domino permanere statuentes, ut in loco ad quem transistis seruitutis officia regulariter peragatis, sicut in priore loco facere consueuistis. Data Laterani, etc.

It is quite evident from the statement of this brief that it was issued before the charter of Henry I., as may be seen by a comparison of it with the preamble of the charter. The old place, mentioned by the author of the narrative, had been abandoned, and the church of St. Oswald had been removed to the place *super uiuarium* when the charter was issued. As Ralf, surnamed Aldlan, is only claimed to have been master of the old community, though entered in the list of priors, it may be taken that Adelwald was the first superior of the Augustinian house.

If the absence of Archbishop Thurstin from England in 1119-1121 be considered, there is little inducement to cavil when it is suggested that the canons regular must have been settled at Nostell some short time at least before their formal confirmation by papal authority. It is almost hopeless to assign a definite date to an undertaking of this kind, which must have taken years to complete. But whether Nostell could have been an institution famous enough to attract the notice of King Alexander so early as 1115, the date assigned by the *Chronicle of Melrose* for the coming of the canons to Scone, must be left to the reader's judgment. At all events, the discovery of the papal bulls to Nostell gives signal and unexpected corroboration to the state-

ment in the foundation charter of the Scottish house. There can be now no hesitation in accepting King Alexander as the founder of Scone, and acknowledging Prior Adelwald's co-operation with him in establishing the Augustinians in Scotland. An authoritative date for Nostell is also to be welcomed in its relation to the coming of the Augustinians to Carlisle.

JAMES WILSON.

APPENDIX

De Gestis et Actibus Priorum Monasterii Sancti Oswaldi de Nostell, a prima fundacione usque ad dominum Robertum Qwyxlay¹ [anno domini millesimo c^o uicesimo primo: post conquestum Willelmi Conquestoris regni Anglorum quinquagesimo quarto: et secundo anno consecracionis Thurstini archiepiscopi: et xxi^o anno regni regis Henrici primi, fundatoris nostri].²

De Radulpho Aldlan', primo Rectore et Magistro ueteris loci.

Ad exemplum seruorum dei, illustrium gesta uirorum recitare constat necessarium, quatinus de factis bonorum uirtutes imitando colligant, et malorum uicia diligencius deserendo deuitent. Quamobrem modum et formam fundacionis siue dotacionis prioratus sancti Oswaldi de Nostell, necnon et gesta priorum eiusdem loci in scriptis, uolente deo, ad presens commendare dispono.

Igitur anno domini millesimo centesimo uicesimo primo, quidam Radulphus cognomine Aldlan', illustrissimi regis Henrici primi capellanus et confessor, dum in comitiua dicti regis uersus Scociam cum exercitu properantis pro rebellibus reprimendis profectus esset, apud Pontefractum incidit in egritudinem ualidam, ita quod ulterius proficisci minime potuisset. Illic ergo usque ad reditum regis commorabatur, qui, cum permittente deo aliquantulum conualuisset, cepit loca uicina recreacionis causa siue uenacionis inuisere, eo quod ferme multum aut plurimum habundabant et loca siluestria erant. Tandem quadam die cum recreacionis causa uel uenacionis interiora siluarum penetrasset, ex instinctu spiritus sancti peruenit ad locum illum ubi capella sancti Oswaldi regis et martiris modo sita est et uocatur le Nostell, ubi inuenit quoddam tugurium siue oratorium, in quo latitabant quidam heremite, ieiuniis et oracionibus iugiter insistentes, quorum monitis et alloquiis exhillaratus,

¹ As a matter of fact the series of biographies was only brought down to the priorate of Adam de Bilton in 1385. From this date onward there is only a list of priors reaching almost to the dissolution of the house. Robert de Quixlay was prior in 1393.

² The portion within brackets appears to have been added to the original work. Words have been cancelled and interlineated. There is also evidence of different handwriting.

dimisit in pace eos, iterum temporibus oportunis reuisurus. Estuabat etiam eorum uitam et mores imitari et ex tunc licet in seculo positus uitam duxit hereticam, distulit tamen cum eis habitare et habitum recipere usque ad reditum regis ut de gracia sua et licencia singulari mundum relinqueret et soli deo militaret. Unde negociis pro quibus rex ierat expeditis in pace cum exercitu suo Angliam ingressus Pontefractum deuenit, cui nimirum Radulphi propositum ipso referente notificatum est. Et licet rei publice et regi necessarius esset, rege tamen permittente et propositum suum ratificante, habitum suscepit ac ordinem et regulam sancti Augustini seruare professus est, atque ex mandato regis magister et rector undecim fratrum effectus est. Qui rex deuotissimus ex regali munificencia duodecim denarios in diem Scaccario suo in Eboraco suscipiendos concessit et postea in perliamento eodem anno III^o Idus Ianuarii, secusque,¹ anno eiusdem Henrici filii Conquestoris uicesimo, et consecracionis Turstini archiepiscopi Eboracensis anno 1^o, apud Westmonasterium per seipsum et nobiles regni sui confirmauit. Dedit etiam eis predictus rex ecclesiam de Bawmburgh et ecclesiam de Tykyll et manerium de Sulgholme, et donaciones nobilium regni sui confirmauit ibidem, uidelicet, nemus in quo sita est ecclesia sancti Oswaldi et duas bouatas terre in Herdwyke ex dono Roberti de Lacy, tunc domini Pontefracti, propter quod heredes et successores sui asserunt se esse aduocatos supradicte domus. De dono W. Foliet unum molendinum in Nortona: de Rogero Pictauiensi unum molendinum in Saxtona: de Adam Ranauilla unam bouatam terre in Istofte² . . . Ista nimirum donaciones [ob] incolumitatem regni sui et salutem anime predictus rex concessit et confirmauit, et in tantum ab omni infestacione clericorum et laicorum absoluit, quod contra decretum sue concessionis nemo esset qui seruos dei inibi commorantes inquietare uel molestare presumeret uel auderet. Dedit etiam eisdem canonicis in omnibus terris suis easdem leges et consuetudines et eandem libertatem, quam uel quas habet ipsa mater ecclesia beati Petri Eboracensis, preter ea que ad magisterium Christianitatis et reuerenciam archiepiscopalis respiciunt dignitatis. Quam libertatem et consuetudinem eidem ecclesie uenerabilis Turstinus, Eboracensis archiepiscopus, ex omni exactione et consuetudine episcopali ratam et immobilem possidendam concessit. Omnia ista fuerunt data et concessa canonicis sancti Oswaldi. Quibus peractis missum est ad Romanam pontificem, Calixtum secundum, qui cepit anno domini millesimo c^o xix^o, quatinus de sua gracia largiente predicta omnia et singula sue pagine roboracione confirmaret, quod et factum est sub hac forma:³

Iste Radulphus, ut creditur, fuit sanctus: quamdiu superuixit nescitur. Obiit uero III^o Idus Maii et sepultus est apud ueterem locum.

¹ This word is doubtful: no better suggestion can be made.

² The portion here purposely omitted is a continued enumeration of the grants mentioned in the confirmatory charter of Henry I., printed by Dugdale.

³ Here follows the bull of Calixtus II., dated at Trenortium, confirming the institution of canons regular at Nostell, which has been printed in the text.

ADELWALDUS

Huic successit Adelwaldus, qui iuste et religiose uixit, ita quod primus episcopus Carliolensis effectus est : ac fundator ecclesie cathedralis canonicorum ordinis nostri in dicta ciuitate, et privilegiatus fuit a curia Romana ut occuparet pro uice sua prioratum sancti Oswaldi, non obstante quod episcopus esset.¹

¹The rest of the narrative is irrelevant to this inquiry, except the papal bull to Prior Adelwald, dated at the Lateran, which has been incorporated in the text.

Chronicle of Lanercost¹

IN the same year Pope Nicholas the Fourth died on Holy Thursday.²

In the same year Rismaraduc, one of the nobles of Wales, a traitor to the King of England, was judicially drawn at York on the morrow of the Holy Trinity,³ and was hanged for three days and nights at Knaresmire.

The kings of Scotland are bound to make submission to their overlord, the King of England and his heirs, as is proved from the time of King Edward named the Elder, and can still be learnt from deeds and papal bulls.

Charter of William, King of Scotlana.

‘In a charter made by William King of Scotland to John King of England it is set forth that William King of Scotland granted to his dearest lord John, King of England, that he [John] should arrange a marriage for Alexander his [William’s] son wherever he wished, as for his liege man, so long as he [Alexander] was not disparage thereby.⁴ Item, that whatsoever might happen to John, the said King William and his son Alexander, should keep faith and loyalty to his [John’s] son Henry, as to their liege lord, against all mortals, and shall help him to hold the kingdom for him according to their powers, saving always the allegiance whereby they are bound to King John. Given in the thirteenth [year] of the reign of King John.’⁵

Among the papal bulls for the kings of England it is found that Pope Honorius the Third calls the King of England lord of the King of Scotland, who was waging war wickedly against his lord himself, and is therefore placed under the bond of excommunication.

‘Item : Gregory the Ninth saith that long ago a friendly compact was made between Henry the Second, grandfather, and John, father, of Henry King of England on the one part and William King of Scotland on the other, whereby the

¹ See *Scottish Historical Review*, vi. 13, 174, 281, 383 ; vii. 56.

² 3rd April. Fleury gives the date as Good Friday.

³ 2nd June.

⁴ *I.e.* that the marriage should befit his rank.

⁵ *Fœdera*, A.D. 1212.

said William and Alexander, son of the aforesaid King of Scots, made allegiance and homage to the grandsire, the father and the same king, binding their successors, the earls and barons of Scotland, to perform the same to the kings of England themselves; and, should the terms of the compact not be observed, [then] the earls and barons of Scotland should adhere to the kings of England.¹

‘Item: Gregory writes to the Archbishop of York and the Bishop of Carlisle to admonish and persuade the King of Scotland to keep to the aforesaid amicable compact.’²

‘Item: Gregory writes to the King of Scotland, addressing him as liege-man of the King of England, [desiring him] to keep his oath of allegiance and expressing surprise that he is not keeping it by spending more in honour of the King of England.’³

On the day of S. George the Martyr,⁴ my lord John of Halton was elected Bishop of Carlisle.

Verses on the Burning of Carlisle.

’Twas in the jocund month of May
That fair Carlisle in ashes lay.
Ah, wretched city! hard’s thy fate,
Swept by the flames from gate to gate.
Of stately buildings none, alack!
Remain, except the Friar’s Black.
Organ and bells and tuneful choir
But serve to mourn this dreadful fire.
May’st thou yet see a brighter morrow!
Christ hear our prayer and ease our sorrow.

In the same year, on the morrow of All Souls,⁵ the Itinerant Justiciaries sat in Carlisle; to wit, Sir Hugh de Cressingham, Sir William de Ormesby, and the others associated with them.

Christ’s holiness renewed in his servant S. Anthony, confessor and doctor, the accustomed miracles, whereof I was informed by the letter of an Anglican friar of the same convent, who was present and beheld them, and whose letter I here insert in its order.⁶ A.D. 1293.

‘One of the friars of the Minorite order, by birth a Parmesan, by name Bernardinus, of good enough family, young and strong, healthy and active a fortnight after Easter, was suddenly deprived of voice, sight and speech, and suffered such difficulty in breathing as only to blow out the smallest candle with difficulty. His parents and brethren decided to send him, thus crippled, as

¹ 25th September, 1237 (*Fædera*).

² 4th January, 1235 (*Fædera*).

³ 27th April, 1231; 4th January, 1235.

⁴ 23rd April.

⁵ 3rd November.

⁶ S. Anthony of Padua lived 1000 years after S. Anthony, the founder of monasticism, and died in 1231.

speedily as might be for the advice of the doctors of Lombardy. However, after being thus disabled for three days and having hastily begun his journey, he recovered his sight, although the use of his tongue and power of breathing showed not the least improvement. The most celebrated medical men failing either to detect the cause of the illness or to apply a remedy (albeit they tried cautery in various ways), sent him away without any hope [of recovery]. But as the memorial services of S. Anthony were being held in the neighbourhood, the invalid, no doubt divinely inspired, obtained by signs and nods license from his minister to go with the rest of the friars of his province to Padua, where the saint repositeth. Arriving there on the fourth day before the festival should be celebrated on the Sabbath, the friars of the convent were profoundly affected, weeping to behold such a fine young fellow as dumb as a statue. On the morrow the sufferer devoutly repaired to the place of the shrine,¹ wherein the saint is set, when it happened that the Most High glorified his saint, so that about evening of the same day there came upon the invalid as he prayed there a certain commotion of his entrails, not without excruciating pain. Overcome by this, he left the shrine and vomited something filthy and, as it were, sulphurous. Feeling thereafter that he could breathe [freely], but that he had not yet recovered the use of his tongue, he took some tablets and gave them to a friar whom he met, after writing on them that he believed he would be able, through help of the Holy Father, to read the epistle on the morrow. Then hastening again to the shrine, accompanied by three friars, after waiting a little while he recovered the use of his tongue. Immediately a number of friars collected, who, when they beheld what had been done, with streaming eyes united in praising the Lord and [His] saint. Then there was a gathering of the villagers, in whose presence he who had been healed, standing in a high place in front of the shrine, began in a loud voice [to chant the] *Salve regina*, etc. When the antiphone of the blessed S. Anthony had been solemnly sung, the minister took up the subject and preached a sermon, making known the circumstances of the miracle.

‘ But when the report of the miracle spread abroad, some people, through their shortsighted infirmity, threw doubts upon the divine goodness, declaring that their had been no miracle but [only] an imposture by the friars, since he who had been cured was a stranger. Wherefore, lest the bounty of the divine conde-

¹ *Archa*.

scension should be brought into contempt, a second manifestation followed, which, in proof of good faith, was attested by the formal oaths of clergy, of magistrates and of knights, and also by the evidence of six parsons.

‘ Well, at dawn of the vigil of the festival [there came] a certain lay brother of the nuns of the monastery of the Order of S. Bernard, who had been a lay brother at Padua for five-and-thirty years, or thereby, and was deaf and dumb from his birth, and, which is more remarkable, was wholly destitute of a tongue, besides being ignorant of every form of speech. Only by means of eyesight and signs and nods he lived with the others, being employed as a baker. Beholding the crowd of people assembling from all parts, as is the custom, in honour of the saint, he could obtain no leave from the abbess to repair to the saint’s shrine, although he earnestly besought it. Then, when he had sorrowfully composed himself to sleep, about midnight there came to him, as he declared, a Minorite friar, stout, of lofty stature and of middle age, who wakened him by touching him and said: “Dost thou desire to be cured? Rise and go to the shrine.”

‘ He arose at once and struck a light, [but] when he looked for him who had appeared to him, he could not find him. Taking for granted that it was another lay brother of his monastery, he hastened faithfully to fulfil the saint’s command; but, on arriving at the church, he was unable to get in, because, being entirely filled with the women performing the vigil of the saint, it was closed under an armed guard, as is the custom every year. Being forced of necessity to remain outside, he entered at the first stroke of dawn, and did not leave the shrine until the solemn mass was finished. Then he went out to breakfast with the friars, as the clergy, priests and especially the Regulars, wherever they may have come from, usually do.

‘ The meal being over, he returned to the shrine, around which there remained a constant throng; and, when the service of Nones was finished, at the rest hour he began to sweat copiously and to suffer severe pains, so that he seemed about to faint. Then he felt in his head, between his ears, a great cleaving and violent dragging at his ears, and suddenly he began to speak, although he had never learnt [to do so]. There was such a multitude of men there, and the gathering increased so much, because the healed man was well known to everybody, that, although the doors were strong, they were scarcely fit to withstand

the violence of the worshippers, so that the whole place was filled with shoutings within and without, and *oripilationem*¹ was brought upon the slanderers of the preceding miracle. There was among them a certain youth named Cambius, of the Roman province, but a native of Bologna, who had been sent by his minister to consult the Bolognese doctors about a rupture from which he suffered terribly. This youth, taking account of the grace bestowed upon others and glowing again with fervid faith, when he neither was able nor dared to join the women collected in the crypt, being prevented both by modesty and by the crush, followed the example of the woman with the bloody flux. He touched the stones of the shrine with his hand, which he thrust into his bosom and touched the seat of his trouble. He then felt the parts which had fallen out to be replaced in their proper position by following his hand, and the rupture to be comfortably healed.

'In the same city there was a little two-year-old boy named Thomas, son of one of our fellow-townsmen, who had been carelessly left by his mother near a *mascellum*² half full of water. Falling into the water, head and body [were immersed] to the waist, with his feet in the air, the boy was drowned. The mother, after she had attended to one of her husband's shoes, recollected the boy, and when she had looked everywhere for him, found him at last in the water, as cold and stiff as a log. Horror-struck, she was not sparing in screams; the neighbours were roused and hurried in from all parts, and the wretched woman showed them the body of the dead boy. The [boy's] father or grandfather, employed at that time within the walls of our church and in the saint's service, made hasty arrangements with some friars for the funeral. Now when the spectacle³ was over, after having been on view until dusk, some of the neighbours advised the parents to have recourse with confidence to the favour of SS. Francis and Antony. The grandfather then vowed to give the boy's weight in corn, and to keep the vigils of the said saints fasting, and to travel in person to the dispensation of S. Francis, if the boy should be restored to life. No sooner had the vow been uttered, than suddenly the boy began to vomit a great quantity of water, and was restored to life and health.'

These things [are recorded] without hope of reward for the glory of the saints and the edification of posterity.

¹ Meaning doubtful.

² Literally 'a shambles.'

³ ? Of the boy's corpse.

In this year war broke out at Dieppe in Neustria,¹ when the citizens of that place inhumanly attacked our people of the Cinque Ports² with slaughter and rapine at the instance of an agitator, nay and what is more, [they were] encouraged by the ambition of their prince, to wit Charles, brother of the King of France, who had conceived hatred for our people, because he could not supplant his own brother in that kingdom, whom it was King Edward's policy to support in this district. So, in order that he might make more evident the venom which he had conceived, he subjected pilgrims and scholars to many afflictions, even putting some poor people to death on the gallows and hanging beside them live dogs to which he likened them.³ And when these hostilities had grown to such a pitch that the Cinque Ports people attacked the inhabitants of Dieppe with sword and fire the King [of France] issued an order in council that all scholars from our side of the sea, Scots as well as English, should clear out of France. The same [edict] closed Paris to burgesses coming from beyond the sea, but this was not carried into effect. He even dared, bad Christian that he was, to consult a soothsayer as to what harm might happen from the ill will now engendered against England; and when the soothsayer replied that nothing could prevail against that kingdom so long as it was under the protection of a Lady of great majesty and a noble ecclesiastic, it is said that he put him to death by way of fee. No wise man may entertain a doubt that the diabolic art indicated in metaphor⁴ that Lady who, according to John of Damascus, is ruler of all things, being Mother of the Creator. In whose honour I insert here something which happened at that time, which I received on the oath of a religious man in the parish of Aysgarth near Richmond.

A certain countryman of blameless life worshipped the blessed Mother of God with devout mind, and was for seven years or more under the spiritual guidance of the aforesaid person. Certain fellows, banded together and burning with cupidity,

¹ An archaic term, indicating the ancient Frankish realm between Meuse and Loire, roughly corresponding with modern Normandy.

² *Portuenses*.

³ This insult is charged against the Norman seamen in a contemporary state paper. In the margin is sketched a gallows whereon hang some Englishmen, alternated with dogs.

⁴ *Per antinomial*.

robbed him of three oxgangs of his farm,¹ thinking that he was helpless in his own defence. Deeply distressed by his misfortune, he prayed devoutly to his protectress, and brought an action at York against the evildoers. Having obtained little success there because the palms [of the court] had been well greased,² and preferring to die rather than be beaten, he took his case to be pled in London. Arriving there with much difficulty and with scant means, he laid his weary limbs to rest in an empty and cold house at the end of a street on this side of London, incessantly and with tears imploring the Queen of Mercy, that she would deign to have compassion upon him in his just cause, vowing that thenceforward he would always distribute a yearly allowance of wheat among the poor in her honour at the feast of the Purification, which was then at hand. And when sleep had wholly deserted him because of the emptiness of his stomach, the anxiety of his mind and the narrowness of his bed, the Holy Mother of God appeared, as he often used to swear, to the disconsolate wretch, shining with dazzling brilliancy and attended by two companions. She was encompassed by marvellous lights, intellectual he used to call them, without doubt the angelical powers; for as such they were revealed to the simple rustic, as they stood around the Queen of Virgins.

Addressing the countryman—‘Thou hast put thy trust in me,’ said she, ‘and behold, to-morrow through my aid, thy land shall be restored to thee. Moreover thou shalt return home whole and unhindered, so that thou shalt not even bruise thy foot with travelling.’

All that the Mother of the Word of God promised was fulfilled straightway; and one night, after he had returned home, the Mother of Consolation deigned once more to appear to him as he was quietly sleeping. ‘In like manner,’ said she, ‘as thou seest that I have performed what I promised, and quickly attended to thy prayer, so do thou firmly believe me ready to attend to all those who invoke me with sincere affection.’ This statement is in accord with what the saints have declared about the Mother of Mercy, in whom [the Saviour], coming from on high, rested bodily during nine months in the bowels of mercy for our salvation.

But I will add yet another [instance] bearing upon this matter, which happened to take place some thirty years ago or more.

¹ *Tres bovatas* = 39 acres.

² *Propter manus inunctas.*

A few years ago there was in London a certain vicar of the church of Dalmeny, Sir James [by name], who used to discourse to many persons what he had experienced of the Blessed Virgin. In his youth, as he said, he was a scholar of Cambridge, sharing board and bed with a comely English youth who was called William Wilde, because he was not only playful and tuneful, but also too much given to wantonness.¹ He [James] used to worship the glorious Virgin in a devout spirit, attending her office, exercising himself at her services in songs and prayers, and, as he trusted that she would obtain pardon for him, calling her, in the usual phrase, the Mother of Mercy.

Now one night, as he was reposing beside his comrade aforesaid, he seemed to be hurried off towards the east by two malignant monsters who were about to cast him into a vast fire which he saw before him. Looking back, however, he beheld a company of the blessed coming like priests in exceedingly white raiment and with shining faces, one of whom cried in a loud voice: 'Bring him back whom you are carrying away, that he may be examined. It is not justice that one who has not been sentenced by the judge should suffer punishment.' Returning then with his enemies, he [James] was taken in charge by the senate of saints, and was brought trembling before a handsome and dignified man of lofty stature, whom he understood to be a protector from his tormentors, who were vociferously accusing him. Then, after one of the adversaries had declaimed from a long roll, covered with black characters, setting forth all his [James's] misdeeds, however many, in an exact manner, the just judge asked him whether he wished to say anything in his defence. James, through remorse of conscience, made no answer at all, whereupon the malicious persecutor exclaimed: 'Just judge, do not take from us him whom thou perceivest to be rightly our prisoner?' But the Creator of man turning graciously towards the prostrate [James] said: 'Look around carefully and see whether among my attendants there be one who may be willing to offer intercession for thee.' He, casting his eyes over the whole host, which, as he said, seemed to consist only of male beings, could not see her whom he most earnestly longed for, the Mother of Mercy. Straightway the dire sentence was pronounced, and he was being violently dragged away to cruel torments, when in the background he beheld

¹ An interesting example of a surname originating in a personal trait.



again a choir of virgins, brightly shining and rejoicing with gladsome praise, of whom the Mistress, more refulgent than the rest, commanded the party that was leaving to halt. When he beheld her he humbly invoked the Queen of Mercy, imploring that she would deign to pity him in such dire extremity, reminding her of the hope, devotion and labour he had given to her service. 'Thou hast incurred a sentence,' quoth the Mother of Clemency to him, 'which cannot be revoked. What would'st thou that I should do for thee?' 'O Lady,' said he, 'if more may not be done, help me in this that I may be given the libel of the accusation against me.' The Empress of Heaven, assenting immediately, laid hold of the adversary, and, seizing from him the document, restored it to the hands of the petitioner, saying, 'It is now necessary that thou delete what is written.'

In all this he [James] moved his body so uneasily—trembling, sweating and muttering—as to awaken and cause no little terror to the comrade beside whom he lay, who failed to rouse him from his dreadful moaning either by poking him or shouting at him, until, the aforesaid vision having come to an end, he [James], like one returning from a great distance, began to ask his comrade where he was or whence he had come. At length, when his comrade told him how he had been behaving in his sleep, James then and there described to him in turn all that he had seen, exhibiting in his fist as testimony the very roll which the Virgin had seized from the demon, though he would never show to anybody what was written therein. Also he started immediately at daybreak on the morrow and, confessing himself with tears, obliterated all that Satan had written. Thenceforward he practised such extreme penitence by denying his flesh all indulgence and keeping fasts, that the austerity of his life caused religious men to blush.

Now, whereas virtue shines clearer by contrast with vice, it may be permitted to put in writing what I know to have happened nine years ago. In the west of England, about twelve miles from Bristol, there dwelt in the country town of Wells (a church which is divided into portions for secular canons) a certain prebendary, whose life I know not how to describe otherwise than by means of an observation by S. Augustine, who said that he who lived well could not die amiss. When God in His good pleasure had numbered his days, He permitted him to be grievously afflicted, and later on, as the disease increased, He sent

some Minorite friars to be at hand for his assistance. They, indeed, having been informed beforehand by rumour about the invalid, met on their journey a messenger who explained his master's condition to them. When they arrived at his house and ascended to the attic where he lay in order to comfort him, the sick man declined or hesitated to take the medicine they had brought, desiring them to go down to the hall and refresh their bodies with food, seeing that they must be fatigued. Also he kept with him, as his whole household, a boy to assist him and do his bidding, and, when the others had begun their meal, he bade this boy bring him out of the open chest which stood opposite [his bed] a silver bowl which he would find within, full of silver and gold. When this was brought to him and placed in his lap, he stared at it with startled and fixed gaze, and, thrusting in his hand, attempted, as if smitten with mania, to thrust the yellow metal into his mouth, biting and sucking it as if it had an exquisite flavour. Then the simple lad beside him rushed in horror down to the hall, crying for help because his master, like a lunatic, would not stop devouring coins. The friars, running up in haste, found the whole chamber swept and the corpse of the defunct thrown on the bare ground, stripped naked and darker than lead. Moreover it bristled from head to heel with coins stuck in it, just as cooks stick lard into all parts of meat for roasting when they wish to make it more toothsome. This event took place in the year when Alexander King of Scotland departed this life, and was told to our congregation by a friar who belonged at that time to the convent of Bristol. And so was fulfilled in this wretch the saying of the holy Job in the twentieth chapter, 'he shall vomit the riches he has devoured, and God shall draw them out of his belly,' *et cetera*.

There happened in this year [1293] a great scarcity of victual, so much so that in many places a quarter of wheat was sold for thirty shillings.

At the same time Gilbert Earl of Gloucester, who had married King Edward's daughter, the Lady Joan of Acre (so called because she was brought to light in that place when her father was a pilgrim in the Holy Land), having had a son by her, immediately made over the whole of his English property to the royal hands in such manner that he [the King] should endow his infant grandson out of his bounty, while the earl undertook the office of guardian till the end of his life.

Early in the morning of Saturday next before the feast of

S. Margaret virgin,¹ as I was travelling with my scrip, we beheld in the east a huge cloud blacker than coal, in the midst whereof we saw the lashes of an immense eye darting fierce lightning into the west ; whence I understood that Satan's darts would come from over the sea. Sure enough on the Sunday following,² there began and continued throughout the night over the whole of the west part of the diocese of York, thunder and lightning so prodigious that the dazzling flashes followed each other without intermission, making, as it were, one continuous sunlight. Not only men were terrified and cried aloud, but even some domestic animals—horses for certain. In some places houses were burnt or thrown down, and demons were heard yelling in the air.

On the feast of All Saints, Henry of Galloway, a bishop beloved of God, departed this life ; to whom succeeded Master Thomas of Daltoun, who was consecrated at Ripon on the feast of the Assumption of the most blessed Virgin.

Also on Sunday following the feast of S. Martin³ the daughter of Robert Earl of Carrick was married to Magnus King of Norway.⁴

In the same year there was intestine naval war between the English and the French at Saint-Mathieu in part of Brittany, where the French lost two hundred and fourteen vessels and six thousand and sixty men ;⁵ but on the English side only three men perished.

Item, Friar John of Peckham, Archbishop of Canterbury died, and holy Robert of Winchelsea was elected to the Archbishopric of Canterbury.

Item, the Comte de Bar was married to Eleanor, daughter of King Edward.⁶

¹ 11th July.

² 12th July.

³ 15th November.

⁴ Isobel, eldest daughter of Robert Earl of Carrick, and sister of King Robert I., married Eric (not Magnus) King of Norway, whose first wife was Princess Margaret of Scotland. It has been commonly alleged that Isobel married first Sir Thomas Randolph, Great Chamberlain to Alexander III., and she bore to him Thomas Randolph, afterwards Earl of Moray. But, as Sir James Balfour Paul has pointed out, she cannot have been old enough to be the mother of Randolph, who witnessed John Balliol's fealty to King Edward in 1292. The Rev. J. Anderson suggests that Randolph's mother was a daughter of the Earl of Carrick by a former marriage. See the *Scots Peerage* sub vocibus Moray and Carrick.

⁵ This somewhat startling disparity of numbers is confused in Stevenson's edition by a misplaced comma. *Franci ducentas naves amiserunt, et quatuordecim et sex millia hominum et sexaginta.* The comma should be placed after *quatuordecim*.

⁶ She was the widow of Alphonso, King of Aragon.

(To be continued.)

Reviews of Books

A HISTORY OF THE UNIVERSITY OF GLASGOW FROM ITS FOUNDATION IN 1451 TO 1909. By James Coutts, M.A., formerly Registrar of the University. 4to. Pp. xii, 615. 28 illustrations. Glasgow: MacLehose. 1909. 21s. nett.

GLASGOW, academic and civic, may prize this solid single volume, containing the materials of at least two, and recording with exemplary diligence and fidelity the *res gestae* of the University from the foundation by, or by warrant of, Pope Nicholas V. until to-day. Mr. Coutts tells us of his former wish for such a History to serve his official needs: he has done capital service by producing it himself. The labours of a decade have been well bestowed. Pictures of the Old College, the Cathedral, and modern Gilmorehill are relevant and sufficient testimony to the externals of an institution now venerable in history as well as eminent and potent for the contemporary equipment. A fine series of portraits includes Bishop Elphinstone, Zachary Boyd, Robert Simson, Francis Hutcheson, Adam Smith, John Anderson, William Cullen, Joseph Black, William Hunter, James Watt, Francis Jeffrey, Thomas Campbell, Caird and Story, Kelvin and Lister: it is a gallery of fame. Miss Galloway's modest presence in the company appropriately marks the modern phase of women's education. As a chronicle of the University the work attains the comprehensiveness at which it aims: it is above all things a full register of the things that make the history of the institution, carefully garnered mainly from its own muniments, with the addition of biographical notices of a great number of the celebrities. Due attention is bestowed on the changes of curriculum as the original though modified Bolognese model of 1451 passed away to be replaced by the revived system under Andrew Melville, and as later science introduced and evolved the indescribable complexity of nineteenth century education. The forerunners of Kelvin, from Sinclair to James Watt and Meikleham, are interestingly connected with the course of scientific progress. In like manner the Medical School receives even fuller treatment to illustrate its advance from Dr. Peter Lowe to Sir William Gairdner. With what exhaustive searching out of successive professors in the modern periods, of the institution of fresh chairs and lectureships, of the new classes and new methods necessitated by Universities Acts of 1858 and 1889, ordinances of Commissioners and regulations of the University Court, Mr. Coutts has compiled his narrative, those who shall consult it in years to come

cannot fail to have infinite reminders. He has made his pages an almost exhaustive repertory, distinguished by patient accuracy throughout.

In the space here available comment may be confined to a limited part of the early history. The records of institutions are never fully self-explanatory, and everything about the foundation cannot be learned from the constituent documents. The notice of the circumstances of the foundation given by Mr. Coutts is somewhat meagre. How far was it influenced by Nicholas V., how far by the initiative of Bishop Turnbull, how far by King James II.? It was a time of troubled politics in Scotland and of high cultural energy in Rome under auspices of renaissance. In part a product and expression of the papal jubilee of 1450, the new institution was evidently construed as still more definitely a sign of the times in reflecting political connexions at home. Although there is on record no such ecstatic outburst over Glasgow as that of the chronicler Bower over the coming of the privilege to St. Andrews, there is one entry in MS. still awaiting editor which serves to prove that analogous emotions of public gratification were not wanting when the *Studium Generale* was authorised at Glasgow. In Law's *Brevia Scotorum* it is written :

1451 { Venerunt privilegia Universitatis Glasguensis cum indulgenciis
maximis concessis a papa Nicholao ex requestu Regis et
Willelmi Trumbil ejusdem episcopi.

While this seems to be the only direct passage in the national annals of the time concerning the occurrence, the very terms of the entry suggest a dignified but emphatic satisfaction over a grant made (as was the case at St. Andrews also) 'on the petition' of the King and the bishop. Now it is curious that the same annalist, recording the jubilee of the year before and the showy journey of William Earl of Douglas to Rome, adds sombrely the statement that 'the rumour was, as the event proved, that William Trumbil, bishop of Glasgow, Sir William Crechton, and George Crechton with their party were plotting and seeking the death of the Earl of Douglas,' and that it was by their advice that the king's measures against the Earl's strongholds were taken. What thus seems probable is that the University, like the grant of the bishopric of Glasgow to Turnbull, marks the king's favour for a distinguished officer of state who was aiding him against the Douglasses.

As regards the form the new educational institution was to take this annalist is silent: he refers to the pope as a man eminently worthy of his great office, but throws no light on what might have been Pope Nicholas's shaping influence on the body thus founded. His own connection with Bologna, however, goes far to hint that the plan of the new university mirrored in some degree his own ideas. It has been concluded from Bologna's eminence as a school of law that in selecting Bologna as the model for Glasgow as a 'student-university' (a type of body in which the students were to be predominant members), the founders designed it for primarily legal studies, which, it should be noted, were at that time also the paramount subject in France. In its blending of theological and legal objects one declared purpose was that by its faculties the orthodox Catholic faith might be propagated and extended. It was



WILLIAM ELPHINSTONE.

Sometime Regent in Arts, Rector of the University of Glasgow (1474), afterwards Bishop of Aberdeen
BORN circa 1431. DIED 1514.

From oil painting in the University of Aberdeen.

See page 171.

an aspiration—perhaps educed by the religious unrest of the age—which recalls the oath at St. Andrews against Lollardy, and was as little destined to persistent realisation. The model from the beginning was not Bologna wholly, for just as St. Andrews, founded in 1411, had the bishops as chancellors, and like Glasgow had four ‘nations,’ so Glasgow followed, although obviously the nations were a continental feature, proper enough for Paris, where really different nationalities of students congregated, but hardly applicable to Scotland.

These remarks on the origins must excuse fuller comment on the many characteristics of the University’s history which are compressed into this volume, by its purposeful narrative of the course of events, the changes of constitution and *personnel*, and the annals of professorial distinction or idiosyncrasy, as well as of the practices and life of the students, including those outbursts paraphrastically indicated as ‘impulsive and irregular adventures into which they sometimes digress.’ While invaluable for consultation for its long lists of the illuminati who gave the College of Glasgow its place in the story of Scottish culture, the work will be of equal service for its contribution to the generic history of Universities. The account of ‘regenting’ as the original teaching system, the professorial method of ‘dictates,’ the jurisdiction claimed by the College authorities, and the account, tantalising enough, of the Black Stone examinations, are like the alterations of curriculum, illustrations of European usage. Interesting, particularly, are the too slender references to the common life and residence in the College (a feature almost dead before the close of the eighteenth century), and to the relationship at first with the Bishops of Glasgow, and afterwards with the Municipality. There was gossip too of old time : the august Adam Smith himself ‘suffered something from story-tellers,’ as no doubt did Lord Kelvin. But for the humours of academic inter-criticism there was, in these all-too-full pages, no room. Happily we learn a few things about the Hunterian Museum and the Roman stones, as well as about the collection of coins, though Dr. Murray’s share in saving it is unchronicled. Few central sources of information have been overlooked, except the Privy Council Register. Mr. Stewart’s lists of the University printers in our own pages do not appear to be fully incorporated. In some later sections the detail overwhelms a normal reader, but in general Mr. Coutts maintains excellent and well-proportioned touch with public history, and traces very well in the fortunes of the College causes and effects of movements such as the Reformation, the Revolution, and the Union. The Darien scheme involved funds of the University in the enterprise. The Jacobite rising in 1715 evoked an agreement to maintain 50 foot soldiers in support of Hanoverian sovereignty. This was repeated in 1745, followed by a degree for the victor of Culloden. Scholastic facts are given in their due settings and surroundings. Scottish University education, in its internal development and its manifold relation to public history and national biography, owes no small gratitude to Mr. Coutts as its faithful and temperate recorder. Glasgow must welcome with warmth an eminently full and serviceable volume not for a passing perusal merely, but for the permanent reference shelf.

GEO. NEILSON.

174 Firth : Last Days of the Protectorate

THE LAST DAYS OF THE PROTECTORATE, 1656-1658. By Charles Harding Firth, M.A. 2 volumes. Vol. I. pp. xx, 341; Vol. II. pp. xxii, 345. (A continuation of the History of the Commonwealth and Protectorate by Dr. S. R. Gardiner.) Demy 8vo. London: Longmans, Green & Co. 1909. 24s. nett.

THESE volumes will interest every student of Seventeenth Century history. He will welcome the worthy completion of a task which occupied the lifetime of a laborious and eminent historian, and will appreciate the fine *pietas* of the author, who has quietly donned Elijah's mantle and carried on the work in the spirit, and almost with the accents, of his dead master. The peculiar characteristics of Gardiner's historical method, his moderate and level tone, his parsimony of comment, his distrust of climax, and his sense of the slow and impersonal movement of events, probably rendered the task which Mr. Firth has undertaken less irksome than it would have been in the case of any other modern historian. But, after allowing for these considerations, the writing of these volumes must have fully exercised the qualities of restraint and self-repression which their author continually displays in their pages.

The two critical years which elapsed between the meeting of Cromwell's Second Parliament in September, 1656, and his death in September, 1658, were pregnant with possibilities. They witnessed the rapid development of the Protector's foreign policy, and an apparently satisfactory settlement of the affairs of Scotland and Ireland; but the events which they contained must interest above all the student of Constitutional History. The forces external to Cromwell's circle of ideas and alien to his own conception of the future political development of his country seemed for the time to have exhausted themselves. His power seemed on the point of consolidating, and to the eyes of foreign observers already bore the marks of permanence which had obtained for it European recognition. But this comparative immunity from interference gave free play to the competing and divergent ideals which animated the supporters of the Protectorate. Just at the stage when that catholic Puritanism which had been struggling for acceptance for years seemed on the point of consolidating its power in the forms of a working constitution, these forms proved themselves unworkable and inadequate. They first showed themselves *in embryo* in the Agreement of the People of 1648, were found at a further stage of development in the Instrument of Government of 1653, and attained their abortive completion in the Humble Petition and Advice of 1657 and the Additional Petition and Advice of the same year. Mr. Firth's readers will do well to turn back to the *History of the Commonwealth and Protectorate*, and to Gardiner's introduction to the *Constitutional Documents of the Puritan Revolution*, if they desire to grasp the full significance of the constitutional unrest of the period under review. The same observation applies to Mr. Firth's account of the development of Cromwell's foreign policy. The present volumes are strictly a continuation of those that preceded them, even in their chronological arrangement, which has doubtless irritated many readers of Gardiner, who find themselves in the Long Parliament in one chapter, in the West Indies in the



ZACHARY BOYD.

Minister of Barony Parish, Glasgow.

Sometime Rector and Vice-Chancellor of the University of Glasgow.

BORN circa 1585. DIED 1653.

From oil painting in the Senate Room, University of Glasgow.

See page 171.

next, and in Ireland in that which follows. Gardiner desired to write his history from the point of view of a well-informed spectator of the events which he described, resolutely declining to anticipate the future, and laying stress on the value of the reports of contemporary foreign diplomatists. The defects of this historical method lie mainly on the surface, and it must commend itself to readers who have acquired a distrust of abstraction, and a catholic taste, from such masters as Guicciardini and De Thou.

DAVID BAIRD SMITH.

CROOKSTON CASTLE. By Robert Guy. Pp. 63. With Illustrations. Foolscap 8vo. Glasgow : Hugh Hopkins. 1909. 3s. 6d. nett.

To make up for the rarity of strictly accurate annals, interest in old castles is usually sustained by the aid of traditional tales in which the dungeon and underground passages present themselves with monotonous persistency ; and in the supply of such legendary ware Crookston Castle kept well to the front. Its subterranean passage extended all the way to Paisley Abbey, a distance of three miles. The castle was said to be the scene of the courtship of Darnley and Queen Mary ; on a coin struck during their union the Crookston yew was depicted ; and, dismal to relate, the Queen had been imprisoned in the dungeon. In another respect the yew came in for attention. Cut into its bark were the name and date 'Robert Burns, 1777,' and this inscription was beginning to be accepted as commemorative of a visit from the Ayrshire bard in his youthful days. But a sceptical spirit got abroad, and scientific investigation, chiefly conducted by the late Mr. David Semple of Paisley, satisfied most people that all these stories were pure myths.

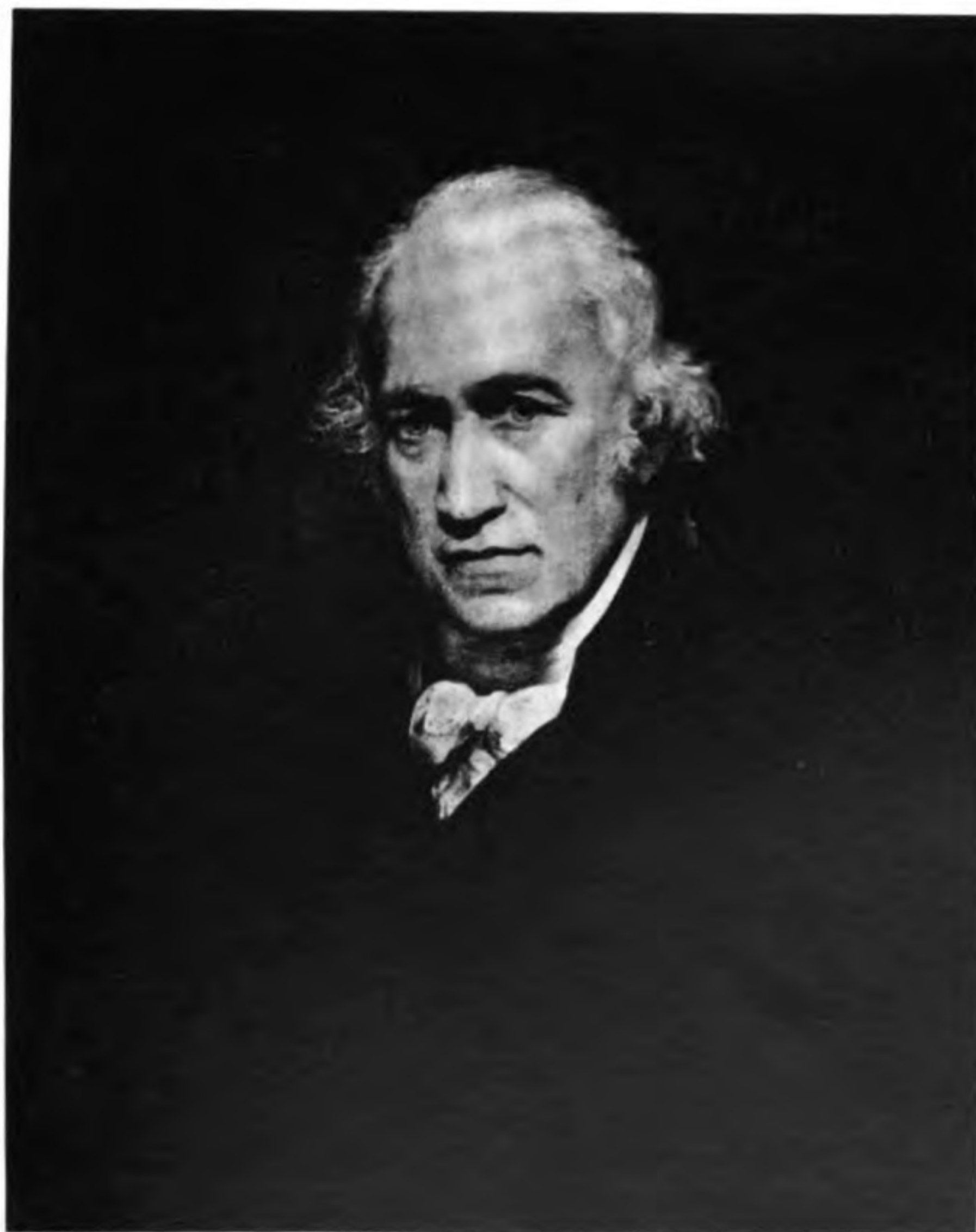
The true history of the castle, so far as known, has now been compiled in compact form by Mr. Guy who, accepting the opinion expressed by Messrs. Macgibbon and Ross, believes that the existing ruin, which bears evidence of considerable size and strength, belongs to the fifteenth or possibly the later part of the fourteenth century. By that time the Croc family, who gave their name to the lands on which the castle is built, had ceased to be owners, at least in the male line. A Croc, however, may have reared an earlier tower, and before the days of stone and lime, the site, well adapted as it was for observation and defence, may have been occupied by a 'mote' for which the earthworks at present surrounding the castle would in that case be at first constructed. Following a lucid description of the different apartments, Mr. Guy concisely sketches the history of the castle and its owners, telling among other things how it was besieged by an army conducted by the young King James IV. in person, on the occasion of the Earl of Lennox joining in a rebellion of western nobles in the year 1488. Mons Meg was brought from Edinburgh to take part in quelling the insurrection, but that the big gun was actually used against Crookston walls is not certain. The castle quickly surrendered to the royal forces. Crookston continued to be one of the

chief places of residence of the Earls of Lennox till they removed to Inchinnan about the beginning of the sixteenth century. It is doubtful if Darnley's father ever resided at Crookston. Between 1545 and 1564 that earl's estates were forfeited, and John Stewart, half-brother of Queen Mary, was put in possession of Crookston lands by a charter of which Mr. Guy had not found the date, but which a Glasgow protocol (No. 299) shows to have been 6th June, 1556. Stewart took the title of Lord Darnley, and the last evidence of the castle having been used as a residence is contained in a letter from his wife, 'Janet lady Darnley,' written from Crookston between 1562 and 1564. In the course of the next two centuries, through decay and the removal of stones for building purposes, the castle became an absolute ruin, but shortly after its acquisition by Sir William Maxwell of Nether Pollok in 1758, some repairs were made and further dilapidation arrested. In 1847, and again in 1860, as well as more recently, extensive repairs, including so-called 'restoration,' have been carried through, with the result that the building is now in a condition alike creditable to the esteemed owner and pleasing to the visitors of its picturesque site, which is likely to become better known through the publication of this excellent little history. The book is provided with a map and ground plans, and embellished by the reproduction of old views and modern photographs, executed in a clear and altogether beautiful style.

R. RENWICK.

SIR WALTER SCOTT'S FRIENDS. By Florence MacCunn. Pp. xiii, 448. With Illustrations. Demy 8vo. Edinburgh : Wm. Blackwood & Sons. 1909. 10s. nett.

MRS. MACCUNN has already written two good books, and her volume on the friends of Sir Walter will give rise to great expectations, not doomed to disappointment. The qualities which gave her 'Mary Stuart' high claim to the rank of a classic are all to be found in these pages—the grace of style and the intellectual keenness, in rare combination with womanly insight, and with restraint which saves both from the ordinary failings of the biographer. It is not an easy task to write such a book as this. We all know Sir Walter's friends so well—those of us, at least, who are wise enough to read once a year their Lockhart, and the *Letters* and the *Journal*—that we are ready to resent any misunderstanding or misreading, as almost a personal injury. Mrs. MacCunn neither misunderstands nor misreads. She has made these familiar figures live in surroundings which are, to most of us, unfamiliar, and yet has preserved their identity ; and in telling of their other interests, she has never forgotten why we care to know about them at all. The book opens with two of Mrs. MacCunn's best sketches, Mrs. Cockburn and Mrs. Anne Murray Keith, 'old ladies of Sir Walter's youth' : the former a kinswoman of Scott and the authoress of a version of the 'Flowers of the Forest,' in which Mrs. MacCunn is sympathetic enough to find its real note of pathos ; the latter, the lady of many memories who had told Scott so much that she used to settle the question of the authorship of the novels



JAMES WATT, LL.D.

BORN 1736. DIED 1819.

From oil painting by John Graham-Gilbert in the Senate Room, University of Glasgow.

See page 171.

with the remark : 'Should I no ken my ain groats in another man's kail?'

Mrs. MacCunn tells next of Parliament House and family friends, from whom we pass to 'Makers of the Minstrelsy' (Leyden, Ritson, Sharpe, Surtees, and Hogg), and then to the House of Buccleuch, associated with the *Lay*, and to Rose, Ellis, Skene, and Sir William Forbes, who, with Colin Mackenzie, form 'the Marmion group.' Morrit deserves and receives a chapter to himself, and Anna Seward and Joanna Baillie share one between them and illustrate the finest qualities of Mrs. MacCunn's work ; it would have been so easy to draw a caricature of the 'Swan of Lichfield,' and we have got a real picture instead—not without its touches of humour. The closing chapters deal with the Abbotsford household and with Scott's relations to other poets. Nothing in Scott's life is more beautiful than his love for Willie Laidlaw and Tom Purdie, and Mrs. MacCunn tells of it as she has taught us to expect of her.

Her book is a dear and memorable gift to all who care for these things, a book to be placed on the shelf where live the old familiars.

ROBERT S. RAIT.

OLD ROSS-SHIRE AND SCOTLAND as seen in the Tain and Balnagown Documents. By W. Macgill, B.A. (Lond.). Pp. xii, 435. Royal 8vo. With Illustrations. Inverness : The Northern Counties Newspaper and Printing and Publishing Company Limited. 1909. 20s.

THE title of this work fairly describes its origin, but only examination will give any idea of its rich and multifarious contents. Primarily it is a perfect mine of interest for students of local history ; Tain is but the main shaft—the metaphor must not be pressed—from which seams radiate in all directions, to Lewis and even Skye, which is not Ross-shire, in the west and to Fortrose and Cromarty on the east. As the ancient Commissary Court was at Fortrose, the seat of the bishopric, when this office was transferred to Tain its archives went also, and so swelled the store which Mr. Macgill has put to such good use. In date the documents under review range from the close of the fifteenth to the eighteenth century, and a mere statement of the categories under which they are ranged will show the impossibility of any summary treatment of their contents : (1) Church affairs, (2) Education, Language, Medicine, (3) Law and Order, Politics, Revenue, (4) Social Matters, (5) Industries, Commerce, Communications, (6) Covenant, Commonwealth, Restoration, and Revolution, with Stuart (*sic*) Risings as an extension, (7) Topography and Local History. These divisions are, of course, not exclusive, but some arrangement was desirable, short of one which was purely chronological, and the editor is justified by his results.

The same holds good of the manner of presentation. Documents are not, as a rule, given in their entirety ; legal verbiage, formulae, 'everything of no apparent importance,' and repetitions have been omitted, with indications of the places where this is done, and though the result is often broken and jingle-like in the reading, a great amount of space and trouble has

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been saved. If one is to be captious, it is at the way in which Mr. Macgill has succeeded in rather concealing his own interesting explanations and notes by inserting them, in square brackets and in the same type, here and there throughout the documents as the necessity occurs. But this is only a relief to the vast pains, patience and palaeographical skill which have gone to the making of so laborious a volume.

No original matter of this kind is without illuminating qualities upon the course of national history, and the Highlands need as much as can be got. But specially valuable on the main line is the light here thrown upon the doings of Nicholas Ross, Abbot of Fearn and Provost of Tain Collegiate Church, who has won an, apparently undeserved, niche of commendation in having voted for the Reformation. It was a curious Protestant zeal which took precautions for the preservation of the relics of St. Duthus by depositing them, with a view to their return, in the keeping of the local magnate, Alexander Ross of Balnagown; but it marks the probable attitude of the people of Tain which their subsequent history made good. Mr. Macgill thinks the use of the word 'callit' in the phrase 'ane hede of silver callit sanct Duthois hede' to be 'significant,' apparently of some scepticism in the minds of the parties, but it was merely a form; on p. 34 we have 'the buik of God callit the bybill.' Later developments find Nicholas fighting hard for the lands and privileges of his offices, with Balnagown grasping by fair and foul means at the former, and Tain asserting the burghal privileges which seem really to have passed into the hands of its clerical provost. Nicholas has the best of the argument as it stands, but only the town could in the long run be successful. The details are extremely interesting and certainly add something to our meagre knowledge of how things worked out in the remoter districts in the hurly-burly which followed the collapse of the old church. On p. 32 we meet the false form 'Archdean,' on which something might have been said. The frequent double 'f,' as in 'ffairburn,' is really the capital letter.

The criminal records are of great interest with their picturesque details of offences, their processional scourgings, so many stripes in each street, their nailing of ears to the post, branding, banishment and hanging. We find the whole Town Council of Tain sitting on the bench and holding a trial by jury. There is a clear light, too, on the ancient phrase 'pit and gallows' when we find an unspeakable tinker, whose crimes included the breaking of merchants' booths to steal their wares, theft of a communion cup, coining false money, adultery, poisoning his wife and perjury, secured in 'the pit of the castell of Cromartie,' whence he escaped by breaking through the prison wall eleven feet thick, taking with him a pewter stoup and a pair of blankets. The gallows had him in the end. At the close of the seventeenth and during the eighteenth century the cutting of green wood becomes a frequent charge, indicating the difficulty about fuel which followed the exhaustion of the peat and the disappearance of the forests. Smuggling comes to the front as a result of the English duties which were part of the price of Union, but it is curious and very modern to find the prejudice operative in the case of '48 barrs foreign iron' seized in the cellars of a Dingwall merchant (1740).

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Of the section devoted to social matters a great part consists in accounts of all sorts, house inventories and the contents of libraries, a few of the seventeenth but mainly of the eighteenth century. Lairds and farmers were evidently well furnished; rooms follow the scheme of a familiar series of fairy books,—they are red, yellow, blue, white, green, when not designated by their use or occupant; libraries are heavy in theology and history. Bills for meals show a considerable consumption of mutton. In the second half of the eighteenth century we have recurrent evidence of the active revival of Scottish agriculture with Balnagown as a northern centre, and of the method in the bringing to that estate of an English farm manager. Improvement seems to have begun quite as early in the north as in the south. The Stewart risings supply nothing in particular; under the Rosses and Munros Easter Ross was predominantly Presbyterian. The lists of old place-names make interesting exercises for local antiquaries and will be welcome to specialists in this field. Some spellings look odd, but it is safest to assume that Mr. Macgill has copied accurately.

Mr. Macgill has given us a labour of love; unfortunately under no other stimulus could such a thing have been done. But the volume will stand on its own merits as a faithful, scholarly achievement. A county that can place this work on its shelves beside that of Mr. Watson on its place-names is on the way to a complete history of exceptional interest and value.

W. M. MACKENZIE.

STUDIES IN LOWLAND SCOTS. By James Colville, M.A., D.Sc. Pp. ix, 331. Demy 8vo. With four Plates. Edinburgh: Wm. Green & Sons. 1909. 7s. 6d. nett.

DR. COLVILLE has done well to gather into one volume the contributions which his busy pen has scattered during many years through the columns of the *Glasgow Herald*, and in the yearly reports of the Royal Philosophical Society of Glasgow. The different divisions have been adorned with new titles, such as 'The Dawn,' 'The Decadence,' 'Side-Lights,' 'Further Afield'; these add picturesqueness, but they are not needed to enlighten the reader as to the purpose of the book. Everyone that has kept in touch with the manifold productions of the author, full-sized books or occasional pamphlets, is aware that he has always had before his mind a central idea to which he always returns, the 'antiquity, continuity and persistency of the Scots vernacular.'

If his standpoint has remained faithfully steadfast, circumstances have greatly changed during the years covered by the different items of the volume. When we read of Ulfilas and the Gothic Gospel, we feel carried back to the happy days of Max Müller and his school, when etymologizing was a fine art, when every student felt free to obey man's natural instinct to discover an ancestor and a family to every word in the language. On the other hand, some of the latest papers belong to the present time, when philology has become an exact and exacting science, within whose portals none can enter but after strict training. The sole safety for the non-expert is to follow his superiors;

it is only when the experts have given up an etymology as 'unknown' or 'obscure,' that he can indulge in his old diversion. The old and the new school are represented in this volume, as the Introduction reminds us, and one of the purposes of the glossaries has been to reconcile the divergence of opinions held at different times.

Another and a greater change has gone on during those years. At the time when this volume starts, the study of the dialects of Scotland had reached its highest point. Dr. Gregor's *Glossary of the Buchan Dialect*, and Edmonston's *Orcadian and Shetland Glossary*, had appeared in 1866; *The Dialect of the Southern Counties of Scotland*, by (Sir) James A. H. Murray came seven years later. These three capital works offered an immense quarry of material, and a splendid example for others to follow. The quarry was certainly utilized, but nobody followed the pioneers, and it is passing strange that the work under review is the first important book on Scottish dialects that has appeared since 1873.

For many of those years Dr. Colville has been ploughing his lonely furrow steadily, undauntedly, just because of the faith that is in him. It is touching to read his graceful reference to the only fellow-worker whose contribution he mentions: *Desultory Notes on Jamieson's Dictionary*, by J. B. Montgomerie Fleming, 1899.

Whatever the causes, there is no doubt that the vitality of the Scottish dialects has weakened considerably during the last quarter of a century; and within a few years nothing will be left but a few reminiscences that will disappear gradually with the memories that garnered them. Some words may be saved yet, as we learn from the rambles of the author in the counties of Aberdeen and Elgin, described in some pages (pp. 142-164) full of freshness and picturesqueness in the author's best vein. A slight aftermath has been collected thus, and it might be increased from other districts.

But the method must be changed, as time is short. Let the *Deus ex machina* of the Introduction come forth with a few hundred pounds; let intelligent people be asked to fill up cards with plain lists of vocables and phrases worth recording on account of their strangeness. This simple plan may bring a few hundred words; if it succeeds a few more attempts will probably succeed also; if it is a failure, let the accounts be closed, and the dialects of Scotland declared dead from inanition. With a little energy a substantial amount of material might be brought together which would form the fittest coping-stone to the *Studies in Lowland Scots*.

F. J. AMOURS.

A LADY OF THE OLD RÉGIME. By Ernest F. Henderson. Pp. x, 239. With many illustrations. Crown 8vo. London: George Bell & Sons. 1909. 10s. 6d. nett.

THE 'Lady of the Old Régime' was Elizabeth Charlotte, grand-daughter of the Palatine Elector, Frederick V.,—who married Elizabeth of England,—and niece of the Electress Sophia. She married Philip, Duke of Orleans, brother of Louis XIV., and was mother of the famous or infamous Regent.

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As wife of the king's brother, she had the official title of 'Madame,' and between the death of the Queen, Marie-Thérèse, and the marriage of the Dauphin took rank as the first lady in France. She went to France in 1671, and died there in 1723, and during these long years kept up a regular and voluminous correspondence—with her Aunt the Electress, with her daughter in Lorraine, with the Queens of Spain, of Prussia, and of Sicily, and many others.

It is on these letters and on the *Memoirs of St. Simon* that Mr. Henderson mainly relies for his materials. Through them, helped by various official and contemporary accounts of Versailles, he gives us a picture of the court of Louis XVI. A dreary and sorry life it is, as represented by this Lady of the Old Régime, petty and intensely narrow in its interests. To judge by the book before us one would almost imagine that in all these fifty-two years there was no Europe, no outer world at all, save the foreign courts that entered into marriage alliance with France. The one notable exception is the coming of James II. of England and his family to France.

But if neither Madame nor her biographer cares for outer events, the lady gives us lively pictures of the court circle. Madame, says her biographer, 'is endowed with an abnormal sense of humour'; shrewdness she certainly has, and an abnormal power of plain-speaking, but of genuine humour there is little sign, unless indeed it consist in an abundant use of strong, not to say abusive epithets. Yet Madame is always interesting, and Mr. Henderson has chosen his subject well. He has not, however, done his subject full justice. There is a hap-hazardness in the grouping of the events of her life that makes it difficult for the reader to know where he is, and Madame is not the central figure she ought to be. She is, as it were, scattered through a series of descriptions of the palace, etiquette, and courtiers of Versailles. Mr. Henderson gives no indication of where Madame's letters are to be found, nor any references to his authorities, and there is no index.

SOPHIA H. MACLEHOSE.

STUDIES IN ENGLISH OFFICIAL HISTORICAL DOCUMENTS. By Hubert Hall. Pp. xv, 404. 8vo. Cambridge: University Press. 1908. 12s. nett.

A FORMULA BOOK OF ENGLISH OFFICIAL HISTORICAL DOCUMENTS. Part I. *Diplomatic Documents* selected and transcribed by a seminar of the London School of Economics. Edited by Hubert Hall. Pp. xvi, 170. 8vo. Cambridge: University Press. 1908. 6s. nett.

MR. HUBERT HALL of the Record Office is reader in Palaeography in the University of London. He has published many works and edited much manuscript on feudal history, the exchequer, and the sources of public revenue under feudalism, and no man living is better qualified, either by his experience or his acquired authority as a medieval archivist, to trace the historical evolution of English charters and official writings, to describe their varieties of class and function, and to discuss at the same time the bearings of English palaeography. His two volumes are indeed wel-

come as a full general survey which embraces not only the classification and analysis of archives and their bibliography, but also their Diplomatic and the changes of mode from Anglo-Saxon times down to our own day as well as a summary of palaeographic history terms and texts, and a criticism of methods of editing of texts. 'The exceptional scope in respect of date and matter of these single-handed labours in a three-field domain of historical culture' to which Mr. Hall prefatorially refers as an extenuation of some defects, the wisest reader will rather treat as reasons for expansion of the gratitude due to so large a journey as his over little-trodden ways. To follow his course is impossible here even in synopsis.

His studies involve the examination of origins of form, style and method, the effect of international intercourse, the rise of the Chancery, the successive establishment of specific departments enrolling their transactions (already illuminatively dealt with by Mr. Pike), seals and modes of attestation, and the continual possibilities of forgery and manipulation. A first impression is that Mr. Hall is extremely guarded; he is so averse to sharp and definite statement to account for specialities of form that his very caution hurts his exposition. We should have welcomed many an opinion where he is content to be safe with a doubt. Another impression is that there is a certain proud insularity about his attitude towards the ever-recurring problem of foreign influence. He is never very willing to be convinced that any English formula is not a native evolution. While he appears to have little disinclination to believe that the Anglo-Saxon scribes receiving the art of writing from Roman missionaries derived their diplomatic outlines from the Gallo-Roman chancery, modelled in its turn upon the 'course' of the Papal Curia, he shows how indirect is the relationship to continental precedents. At the close of the period he is so far from hasting to admit continental infusion that he regards a charter on the continental model as by that very fact to be held in suspicion. Post-Conquest changes in like manner find him stickling for inherent power of old English types to transmute themselves for new occasions, and steadily dubious about accepting Norman sources. He maintains a similar defensive position toward the old allegations of French influence on English script before and especially after the Conquest. Perhaps he carries this repugnance to see foreign sources further at times than the facts warrant; his justification is that international influence in Diplomatic needs deeper probing, and is not rashly to be admitted until the facts are more secure; and assuredly he establishes his central contention for a national continuity, not only in handwriting from the sixth to the eleventh century, but in diplomatic form, substance and system as well.

A repository of a great body of fact concerning the record system of England, the work tabulates analyses, chronologizes and describes the very numerous and complicated classes of document which make up the register of legal and governmental administration. Many most interesting citations are made from history, practice and literature, such as the odd story of the charter-maniac monk buried in chains at St. Albans, the formula *scrutare rotulos* from the thirteenth century, addresses and salutations in early letters, curiosities of introits in traditional clauses, oddities of curses (such as that

which in Athelstane's time substitutes a glacial hell for the orthodox eternity of fire), and technical terms such as the word 'window,' used by Elizabethan clerks to denote a blank. Pleasing, too, are the passing references to the *dii majores* of record, including the official *Magister scriptorii*, Sir Thomas Wilson, organizer of the state papers under James VI. and I., Bacon and his scheme for a 'general Record office,' and Madox, the great archivist-historian of the Exchequer. Little space is left to note data and opinions in the compact chapter on palaeography, tracing the stages of handwriting and connecting such attendant subjects as the materials employed, sigillography, the tests of forgery, and the varieties of the medieval *compendia* which saved parchment and had often puzzled posterity. In connection with the last matter Mr. Hall discusses the various modes of extension when texts are being edited. No lover of 'record-type,' he finds no royal road except the heroic one, probably that of the future, in actual facsimile as 'the only satisfactory method of reproducing a medieval record.'

The *Formula Book*, though an independent work, was originally planned as an appendix to the *Studies*, which it excellently, if of necessity very imperfectly, and partially illustrates. An attempt for the first time to present the several types of official instruments in a connected series, it represents 211 specimen charters, writs, letters and instruments of state carefully transcribed by a group of young lady students. Well-selected examples of public documents, they are rendered with the contractions extended with some modernizations of *i* and *u* and a novel device of *é* for the normal medieval *e*, the classical *æ* in case endings. This last *é* is a compromise which some sticklers do not like, but which has virtues if it lacks precedent. Among the documents are a safe-conduct (3 Henry III.), letters of remission for crimes (4 Edw. IV.), and an official communication to Matthew Prior in 1715. Scotland is touched by one very interesting charter among the examples. It is the grant of £20 rent from the issues of County Louth made on 12th May, 1319, to John of Bermyngeham for his victory over Edward Brus. The textual differences in the old version in *Foedera* tell their own story, though the rendering by the seminar docks the deed rather unmercifully. Mr. Hall's labours entitle him to a place of honour all his own among the historians of English records.

GEO. NEILSON.

'FIFTY YEARS OF IT': THE EXPERIENCES AND STRUGGLES OF A VOLUNTEER OF 1859. By J. H. A. Macdonald. Pp. xv, 518. Medium 8vo. Edinburgh: William Blackwood & Sons. 1909. 10s. 6d. nett.

LORD KINGSBURGH's volume might be described in various terms—personal reminiscences, volunteer history, a contribution to the practice of military training; but whatever it be called, the book will stand as the representative contribution of Scottish volunteering to British Military History. Much in the volume, of course, is written in the lighter vein, for the author is master of 'camp' humour—a species as distinct in its own way as that of hunting, and requiring the same special atmosphere for its full appreciation.

Two at least of his figures are assured of anecdotal immortality—the drummer whom regulations had prevented from exercising his craft in the Review of 1860, and who struck work for the day with the declaration, 'Ef aam no guid eneuch to play ye past Her Majestee, ye'll no get me playin' ye aff the grund;' and the old soldier, whose description of a major's duties must stand as definitive: 'It maun be a gran' thing to have neething te dae but to sit 'n a haurse and cry "steedy."'

This appreciation of the humorous in volunteering gives a peculiar flavour to Lord Kingsburgh's contribution to the history of the volunteer movement. He would be the last man to deny the fundamental seriousness of what happened in 1859, but his pages will supply the future social historian with a treasure of detail, not the less valuable because touched with absurdity. It is a picture of amateur soldiering under difficulties; officers modestly undogmatic as to right or left; eminent citizens displaying a maidenish coyness about appearing in uniform before the public, or rushing to the other extreme and equipping themselves, as did a certain Battery, in 'helmets with gigantic scarlet plumes, quite as tall as those worn by the Life Guards'; and at the back of it all, a keenness which made the author put in a number of attendances at drill, such as no three men in our degenerate days would dream of doing. Lord Kingsburgh's interest naturally centres on his famous regiment, 'The Blacks,' in whose history he has played so prominent a part; and indeed the Queen's Rifles are happy in their historian. From the day when Mr. Macdonald 'altho not yet fully fledged for my profession, was honoured by selection to be the first sergeant of the first company of the first corps in Scotland,' until, as a member of the Scottish Bench, and Brigadier commanding the Forth V. I. Brigade, he issued the memorandum printed here (pp. 490-3), the Queen's Edinburgh held the premier position in Scottish, if not in British volunteering, and owed very much of their pre-eminence to the man who now writes an informal chronicle of their doings.

But the future historian will find here something more than social details of a half-humorous description, or the history of a single regiment. The book depends for its chief significance on a most interesting narrative of drill reform. Should Lord Kingsburgh desire to select (as other great men have done), a suitable epitaph beforehand, he could not do better than take the comment of a friend, slightly altered: 'There goes the man who has ruined the drill of the British army,' with the further words of an exalted personage, irritated by drill reform, 'that — Scotch lawyer again.' It is perhaps unfair to quote Lord Kingsburgh as the typical volunteer in this work of reform, for, both by family tradition and natural inclination he ought to have been a soldier; but at any rate he is the outside critic, criticising persistently and with complete ultimate success, a routine followed blindly and disastrously by those within the profession.

At the outset of their military career, he and his fellow volunteers became acquainted with the follies of War Office administration. For the Volunteer movement found no real response in military headquarters. As Captain of the 4th Artizan Company (Lord Kingsburgh pays a just tribute to the patriotism of working men) he had to face absence of drill instructors,

absolutely insufficient drill accommodation, and when muskets were provided, it was to the tune of 100 among 400 men, and these 'smooth-bore Besses.' So little did the movement seem worth having that War Office officials acquiesced in artillery 'firing with old cast-iron smooth bore 32-pounders, using round shot, at distances at which rifle fire would be effective.'

As civil enthusiasm resisted all attempts to quench it, a curious reactive influence came into operation, volunteering actually modifying army methods, and of this influence Lord Kingsburgh has been the individual embodiment. It is a fact for military officials to consider with due solemnity, that in the present system of rational training, many of the most important modifications were suggested by an Edinburgh lawyer, and made only after the most persistent and untiring efforts on his part. One need not ignore the enormous change in spirit which followed on the accession of Lord Wolseley and Sir Evelyn Wood to high position, and of distinguished subordinates like the late Lieut.-Col. Henderson to office where their intelligence could tell. Still, the fact remains that in such important matters as the abolition of a most confusing system of 'fronts,' and of 'drill by touch,' in the naturalising of all drill actions and postures, in the proper emphasis being laid on 'fire' control and exercise, above all, in the modifying of a system where troops were moved as though weapons were still of low efficiency, into one suitable for defence against the tremendous efficiency of modern fire, Lord Kingsburgh was a pioneer, and one whose ideas were very slowly absorbed by military authorities. He takes a most justifiable pride in passing from days when officers complained that it took weeks to cure the demoralization caused by manœuvres, and spent all their efforts on parade movements which were not merely useless, but misleading for practical purposes, to the end of his labours, the drill-book of to-day. That book, so much of which is really his own work, is 'a book of training, everything in it being subservient to the one purpose of producing a fighting machine, as distinguished from a thing of routine and display.' And if theoretical satisfaction has come so completely, it is pleasant to read of reform in practice as complete. 'My last camp,' writes Lord Kingsburgh—'the war camp of 1900—was to a great extent a realization of what had been my dream as regards infantry training.' If the volunteers have passed on any tradition of military importance to their successors, it must be looked for in this volume, which records both the faithful routine service, and the brilliant reform work of one who has had no equal as a civilian soldier.

J. L. MORISON.

A HISTORY OF NORTHUMBERLAND, issued under the direction of the Northumberland County History Committee. Vol. IX. The Parochial Chapelries of Earsdon and Horton. By H. H. E. Craster, M.A., Fellow of All Souls College, Oxford. Pp. xii, 410. Demy 4to. Newcastle-upon-Tyne: Andrew Reid & Company, Limited. 1909. £2 2s. nett.

THE great county *History of Northumberland*, volumes of which have been already noticed in this *Review* (S.H.R. ii. 317-8, v. 214-6), is proceeding with exemplary regularity under the able direction of its new

editor, Mr. H. H. E. Craster. The latest volume embraces an area of some twenty-nine square miles in the south-eastern portion of the county, comprising the chapelries of Earsdon and Horton, which extend along the coast from the mouth of the River Blyth almost to Whitley Bay. These chapelries were formerly included in the ancient parish of Tyne-mouth, but the account of them was for sufficient reasons omitted from the history of that famous monastic franchise and held over for separate treatment. Those who read the present volume will thank the authorities for their arrangement of the work.

Except the glorious fringe of seaboard which bounds the district on the east, the natural features of the inland levels have been obliterated by modern industrial developments. It would be difficult to find in the county a more characteristic colliery district. Medieval remains have had to give way to cinder-heaps, wagon-ways, and colliery villages. But despite the uninviting prospect to the antiquary, treasures of historical information have been collected and a narrative has been put together which will fitly take its place with the rest of the series. When it is known that the district includes the ancient territories of the Delavals of Seaton Delaval, so celebrated in local legend, the student of medieval history has much to attract him in the present volume.

But medievalism does not cover the whole field of a county history. One of the most pleasing features of the work before us is the attitude of the editor to the later vicissitudes of his district. He has given us many modern documents, secular and ecclesiastical, which illustrate phases of social and industrial progress that one would be sorry to dispense with. If the landscape has been changed, it is only right that we should be told something of the process by which the change was brought about. Since peel-towers and manorial residences have disappeared, it is a happy circumstance that we can trace from a distant beginning the industrial enterprises which occasioned their overthrow. In his work, Mr. Craster has had the co-operation of many sympathetic assistants and the result of their united labours places all lovers of the county under fresh obligation.

The illustrations in the volume are chosen with care and judgment, and their reproduction is all that could be desired. There are about forty illustrations, including seals, maps, plans and effigies, five appendices, and several pedigrees, the latter of which are always a cause of anxiety, unless when every link is authenticated by some original authority. The general turnout of the volume is of equal merit to any of its predecessors.

JAMES WILSON.

TRACTATUS FR. THOMAE VULGO DICTI DE ECCLESTON DE ADVENTU FRATRUM MINORUM IN ANGLIAM. Edidit Notis et Commentario; illustravit Andrew G. Little, Lector in Palaeographia in Universitate Mancuniensi. (Collection d'Études et de Documents sur l'Histoire religieuse et littéraire du Moyen Age. Tome VII.) Pp. xxix, 226. 8vo. Paris: Librairie Fischbacher. 1909. Prix 8 fr.

THE treatise of Brother Thomas on the first coming of the Grey Friars into England has qualities rendering it a cherished possession for all

time, hence this definitive edition collating all the existing Manuscripts is a welcome boon to British students, although it comes in a French dress. The editor has done his part with the care and clearness which one would look for from a Franciscan scholar of Mr. Little's eminence, and the result is that this latest edition of Thomas of Eccleston is valuable in no ordinary degree.

Since 1879 the fragment of the *De Adventu* contained in the Lamport manuscript, which was edited for the Rolls Series by Mr. Howlett (*Monumenta Franciscana*, Vol. II. pp. 7-28), has disappeared. Mr. Little tells us that it can no longer be found at Lamport Hall, and that all his efforts to discover its whereabouts have been in vain. This strange disappearance forcibly illustrates the pressing call for work such as this book embodies being done without delay.

Mr. Little supplies a luminous Introduction dealing with (1) the Manuscripts, (2) the preceding Editions, (3) the Author, and (4) the Province of England. Here the fact is noted that during the short time in the thirteenth century in which Scotland formed a separate Franciscan province, it extended from Nottingham to the most northern house of the Order in our Island, thus clearly suggesting that in Alexander II.'s time the Scottish sphere of influence was not bounded by the Solway.

Mr. Little does not endorse Dr. Brewer's statement (*Monumenta Franciscana*, Vol. I. xvii) that the Friars habitually chose the suburbs of the medieval towns among the dregs of the city population as sites for their convents. A review of the first positions chosen in Scotland enables one to say that there does not appear to have been any fixed rule on the subject. They accepted what was offered in the way of site, provided it held out opportunity of work among the towns-people.

The editor has illustrated the text by a scholarly series of footnotes. The seven Appendices consist of extracts from various documents bearing on the early history of the Grey Friars in Britain. These add much to the completeness of the work. There is a satisfactory index.

JOHN EDWARDS.

GARIBALDI AND THE THOUSAND. By G M. Trevelyan. Pp. xv, 395. With Illustrations. Royal 8vo. London: Longmans, Green & Co. 1909. 7s. 6d. nett.

IN this volume Mr. Trevelyan continues with unabated enthusiasm his account of the romantic contribution of Garibaldi to the development of Italian unity. The years with which he deals witnessed the Alpine campaign of 1859 and culminated in the Sicilian expedition of 1860. He is filled with the true mid-Victorian enthusiasm for his hero, and displays the same qualities and the same defects which characterised his earlier volume. He has a fine appreciation of the value of topographical detail, a gift of conveying to his readers the sense of the slow passage of time experienced by the eager idealists who waited for the dawn of Italian unity, and a power of isolating his subject-matter and protecting it from the disturbing influences of cross-currents of opinion and alien

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forces with which he is out of sympathy. But these qualities are inevitably accompanied by their defects, though the nature of his subject has enabled Mr. Trevelyan to give free play to his tendency to abstract his chosen material with a measure of impunity.

The Garibaldi with whom the present volume deals, had turned his back upon Mazzini and ranged himself wholeheartedly with the House of Savoy, thus under the skilful treatment of Cavour and his master depriving Republicanism of its effective force and preparing the way for the Kingdom of Italy. Yet we can trace in its pages the gradual growth in the simple mind of Garibaldi, of dissatisfaction with the slow development of Cavour's intricate policy, and foretell that alienation and impatience which ended in the tragedy of Aspromonte. It was a dangerous force that Victor Emmanuel lured from the doctrinaire and unpractical hand of Mazzini, a force of incalculable value when kept under control, but destined, like a mountain torrent, to break through every barrier and play havoc with the slow work of the political husbandman. With his knowledge of his hero's future, Mr. Trevelyan has apparently accepted in advance the limitations which that future was to make so manifest, and turning from the slow movement of European history, devotes himself to the romance of the great warrior's isolated career. The result is a narrative which has all the colour of a romance, and is at the same time the fruit of a laborious examination of documentary and oral evidence.

Having thus concentrated his attention on the foreground of his subject, Mr. Trevelyan indicates the surroundings with conventional outlines and jejune figures which are part of the stock-in-trade of the historical book-maker. He is less than just to Mazzini, and still views Napoleon III. through the eyes of the latter's Italian contemporaries. It is a short-sighted view that would place the worst construction on Napoleon's policy and treat the difficulties with which he was faced as of his own making. The great Emperor in whose footsteps he tried to follow was the first inspirer of the modern ideal of Italian unity. But his successor had to carry on the Napoleonic ideals in a France which was subject to the full sway of the religious reaction which marked the period of the Counter-Revolution. The resulting problem worked itself out through Napoleon III. and in spite of him, and pressed inevitably beyond his control to its solution in 1870. The rôle of France, at once restraining and provocative, in the accomplishment of Italian unity, exemplifies the truth of the penetrating observation of Joseph de Maistre on the peculiar genius of that nation. 'Il me semble,' he wrote, 'qu'un prophète, d'un seul trait de son fier pinceau, vous a peints d'après nature, il y a vingt-cinq siècles, lorsqu'il a dit : *Chaque parole de ce peuple est une conjuration* ; l'étincelle électrique, parcourant, comme la foudre dont elle dérive, une masse d'hommes en communication représente faiblement l'invasion instantanée ; j'ai presque dit fulminante, d'un goût, d'un système, d'une passion parmi les Français qui ne peuvent vivre isolés. Au moins, si vous n'agissiez que sur vous-mêmes, on vous laisserait faire ; mais le penchant, le besoin, la fureur d'agir sur les autres, est le trait le plus saillant de votre caractère.'

This instance of the limitations of Mr. Trevelyan's point of view must suffice, but others might be quoted. He seems, for example, determined to ignore the motives and difficulties of the Roman Church, but no historian can afford to neglect ecclesiastical politics, in dealing with any period or aspect of European history during the nineteenth century.

DAVID BAIRD SMITH.

ARMOUR AND WEAPONS. By Charles Ffoulkes, with a Preface by Viscount Dillon, V.P.S.A. Pp. 112. With many Illustrations. Royal 8vo. Oxford : Clarendon Press. 1909. 6s. 6d. nett.

THIS handbook deals with the development of European armour in a logical and, considering its size, in a complete and satisfactory way. Authorities are freely quoted and a useful list of works on the subject is given. Mr. Ffoulkes has succeeded in depicting the manner in which defensive armour was worn and the materials of which it was manufactured clearly and concisely, and he has done so without running away into wild and untested theory. The book contains the gist of a series of lectures delivered before the University of Oxford in 1909, and the illustrations are arranged so as to illuminate the text and make the subject intelligible to the reader even should he not be a specialist. It is almost a pity that weapons have been included in the book, because the ten pages devoted to them are quite insufficient to give even an idea of this, the larger branch of the subject. It must not be forgotten that offensive weapons existed prior to defensive armour and still exist long after it has disappeared, and that one cause of the disuse of armour was the discovery that the sword and the pike could be made to serve not only for offence, but for defence.

Several errors into which the author falls in regard to the cross-bow would have been avoided had he referred to Sir Ralph Payne-Gallway's work. In all probability the cross-bow was introduced into England at the Norman Conquest. The windlass was not an arrangement of cog wheel and rack, but an arrangement of cords and pulleys; the correct name of the other is cranquin. The peacock feathers used in feathering of arrows 'for gayness' were not the soft tail feathers. These, when cut down to the size necessary for an arrow would not even be 'gay.' The feathers referred to are the hard, red feathers from the bird's wing.

Amongst the works of reference whose titles are given as likely to be useful to the student are the Catalogues of the Armouries of Vienna, Madrid, Paris, Brussels, Turin, Dresden, the Wallace Collection, and Windsor Castle. It is significant that of the collection in the Tower of London no catalogue is published.

C. L. SPENCER.

THE LAST DAYS OF CHARLES II. By Raymond Crawford, M.A., M.D. Oxon., F.R.C.P., with Illustrations. Pp. 80. Medium 8vo. Oxford : The Clarendon Press. 1909. 5s. nett.

THOUGH Macaulay deals at length with the death of Charles II., and lavishes thereon his most brilliant descriptive powers, the exact cause of

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the king's demise has always remained a mystery. This fact has prompted Dr. Raymond Crawford to thoroughly examine all available documents bearing on the incident, and his researches have resulted in a little book which, though somewhat vague at places, and while scarcely distinguished by literary excellence, is nevertheless intensely interesting, and merits a place in the library of every lover of Stuart history.

At the time of his death, it was popularly suspected that the Merry Monarch had been poisoned ; and this suspicion was fostered by Welwood and Bishop Burnet, who, in turn, have been followed by numerous writers, some of whom have even suggested that James II. was the culprit. Dr. Crawford will not listen to the poison theory, which he declares was purely 'based on the idle tittle-tattle of the day.' He scouts, also, the occasionally mooted idea that Charles was a victim of apoplexy, and eventually gives it as his confident opinion that the king's death was caused by chronic granular kidney, with uraemic convulsions. For those unacquainted with medical science, it is of course difficult to follow the author through his thesis, and it must suffice to say that he seems justified in his assertion.

But it must not be thought that the book is merely a dry medical treatise. It gives what is without doubt the fullest and best account so far of Charles's fatal illness, and of his death-bed avowal of the Roman Catholic faith, and incidentally it furnishes some sidelights on these affairs. It corroborates, for instance, the touching story that the dying king commended the Duchess of Portsmouth and Nell Gwyn to the care of the Duke of York ; while it tells of several other matters reflecting credit on His Majesty, notably that he was really grateful to Hudleston for facilitating his escape after Worcester, and, in recognition of these services, protected the priest during the deadly times which followed the Titus Oates plot.

Not the least attractive item in Dr. Crawford's book consists in the illustrations. All are most interesting, and one—a drawing depicting the face of Charles's effigy in Westminster Abbey—is really fascinating.

W. G. BLAIKIE MURDOCH.

FACT AND FICTION IN THE STORY OF BANNOCKBURN. By John E. Shearer. Pp. xv, 128. 8vo. Stirling : R. S. Shearer & Son. 1909.

THE measure of Mr. Shearer's incompetence as a critic of Bannockburn is apparent from the fact that his mainstay of authority is not Barbour's own text of the *Bruce*, but a recent popular translation not meant for the expert. Of many chronicles and original sources for the battle he has no knowledge whatever. Almost all his references are to modern authors. He is therefore ignorant of the first conditions of the enquiry he undertakes. How inept his discussion is may be divined for instance from his deliberately saying 'that there is probably as much foundation for the story of the fight between De Bohun and Bruce as there is for the encounter between Fitz James and Roderick Dhu in *The Lady of the Lake*.' Now the fact is that the encounter was, long before Barbour wrote, expressly registered in an English chronicle, *circa* 1325, which, although toning down the incident a little, is a magnificent certificate of Barbour's innate 'soothfastness.'

Clay : Medieval Hospitals of England 191

(Chronicles of Edward I. and II. (R.S.) ii. 202, see *Athenaeum*, 1 May, 1897, and articles and letters in the *Daily News* of 18th and 19th and 30th October, 1900.) Whoever compares Mr. Shearer's farrago of uninformed and undocumented opinion with Mr. W. M. Mackenzie's diligent and scholarly notes on the corresponding subjects in his edition of the *Bruce*, must feel that Mr. Shearer's credentials for a hearing are still to seek.

GEORGE NEILSON.

THE MEDIEVAL HOSPITALS OF ENGLAND. By Rotha Mary Clay. With many Illustrations. Pp. xxii, 357. Demy 8vo. London: Methuen & Co. 7s. 6d. nett.

THE relief of the poor in the Middle Ages was undertaken by three organisations, monasteries, gilds and hospitals. This new volume of the Antiquary's Books deals with the last, making a valuable addition to a series descriptive of different aspects of English medieval life. The hospitals included shelters for wayfarers and pilgrims, and almshouses for the aged, as well as places of provision for the sick and for lepers. Miss Clay writes of the founders and benefactors of these institutions, the dwellings themselves, their regulations for the care of the soul and of the body, means of support, relations with Church and State, and their fate at the time of the Dissolution. There are many good illustrations, and a list of the hospitals and their founders in each county is given in an appendix. Miss Clay gives a great deal of interesting information, but one could wish that she had devoted a chapter to a more general summing up of the history of the rise, development and work of hospitals during her period.

THEODORA KEITH.

THE STIRLING ANTIQUARY. Reprinted from the *Stirling Sentinel*, 1903-1906. Edited by W. B. Cook. Volume IV. Printed for Private Circulation. Pp. 319. Fcap 8vo. Stirling: Cook & Wylie, *Sentinel* Office. 1908.

THE latest compact, almost dumpy, close printed and well illustrated volume of the series which Mr. Cook edits and issues at intervals, is a veritable miscellany of Stirlingshire, and the very look of it commands welcome from students, who even in its format can recognise purposeful local energy directed to local themes, the proper study of local antiquaries. A true *Archaeologia Strivelinensis*, it serves all the ends achieved by the published transactions of an archaeological society, and indeed is in no small part the garnered wisdom of the Stirling Natural History and Archaeological Society, with the—archaeologically happy—exclusion of natural history from the selections as an inferior pursuit!

Mr. Cook's own papers eminently merit commendation, and justify the name he has given to the series as 'Notes for a New History of Stirling.' The first, on Polmaise and the parish church of St. Ninians, with restored plan and elevation, as well as sketches of the actual remaining structure, comprehensively records the mingled memories of piety, war, and litigation

about 'bottom-roums' and the possession of aisles and lofts which make up the annals of the kirk. There are capital extracts from the Kirk Session Books and from the pleadings in the protracted process between the houses of Polmaise and Touch in 1684. Room might have been made for citation of Dougal Graham's lines about the blowing up of the church, in 1746, through an explosion—accidental or designed—of the gunpowder too secularly stored in the sacred edifice. The second paper debates with illustrated detail the site of the Old Bridge and of Wallace's victory, rejecting utterly the Kildean theory. The incidental mention of Barbour's Brus as written about 1360 is an error for 1375-6.

Mr. Cook's third paper strings together with useful comment a number of extracts from Stirling Burgh records from 1519 until 1550 not heretofore printed. In 1556 the council ordained 'that Robert Spittale big up the zet he has in the common wall,' on the ground that 'the toun may incur danger and skaith therefra.' Spittal, a man of unusual note even for so great an office as that of tailor to King James IV. and the royal family, was the public-spirited builder of famous bridges over the Bannock and the Teith. In 1546 we find 'romany' mentioned, a liquor, probably Italian, priced '18^d the pynt.' Numerous ordinances and prosecutions for trade offences appear, and graver trials for crimes such as 'the brekin of the bruch zet' in 1522, or the 'theftuous stealing of a blak cow broun-backit with a purll on hir' in 1548, for which the offender 'was adjudgit to be had to the gallows and there to be setlerit as a robber.' One wonders if 'setlerit' is right: is it possibly a misreading of 'gibbetit'? Mr. Cook's contributions are rivalled only by Mr. J. G. Murray, whose paper on early Scottish domestic utensils, illustrated by a series of small but expressive sketches, forms a chapter of the history of old house furnishings such as may awaken the admiring envy of any society of antiquaries. Tirling-pins, knockers, sweys, crooks, branders, candlesticks, snuffers, candleboxes, cruises, 'parritch pats and auld saut buckets,' toasters, ladles, horn spoons, lamps, lanterns, candle moulds, quaichs, platters and spindles—there is a perfect store of 'insicht guidis and gear' to recall to us the old firesides and buts and bens of Scotland. Becomingly, the quater-centenary of George Buchanan gives occasion to a note on his connection with his native shire in which the question of his birth-date is touched upon. The writer, however, has failed to observe the fact that Buchanan's own use of the Roman (and modern) computation is almost final proof for the year 1506. Space fails for notice of *variora*, from witches, curfew, Falkirk and other place-names, and Falkirk chap-books to Stirling trades, county yeomanry, and local wells, buildings, relics, and ballads. Review and other articles touch on Scottish seals and badges, and on Sir Archibald Lawrie's volume of early charters. A literary sketch is given of Dr. David Doig, poetic schoolmaster of Stirling, whom Burns knew, and who died in 1787. Several ecclesiastical and allied papers connected with Logie, Dunblane, Leckie and the district bear initials R. M. F., which our readers may find an easily soluble enigma. Mr. Cook's volume of *collectanea* is a credit to Stirlingshire.

HISTORICAL EVIDENCE. By the Rev. H. B. George. Pp. 223. Cr. 8vo.
Oxford : Clarendon Press. 3s.

A SUMMARY of guiding principles in weighing evidence on history Mr. George's little work indicates the varieties of sources, the characteristics of chronicles as distinguished from state papers, the value of indirect testimony, the rules of probability, and the occasions of error—each phase of his investigation being illustrated by reference to examples such as the early story of Rome, the place of legend, the palisade at Hastings, the Casket letters, and the personality of Shakespeare,—which last it is interesting to see enrolled among the high and grave problems of historical evidence. The survey is a pointed, comprehensive and most interesting discussion, punctuated with examples of questions which remain more or less open. Perhaps as great a service would have been done had the author less negatively illustrated the subject by instances of problems decisively settled by particular pieces of evidence adduced. This would have shown how often secondary lines of proof acquire primary rank. Naturally Mr. George lays down few rules for valuing competitive classes of testimony and his statement of principles is generally shrewd and safe. Possibly he overrates the reliability of printed texts ; the fact is that the margin of error, scribal, editorial and press, is not inconsiderable. Further, he estimates rather too lightly the need of manuscript equipment and hardly allows enough for the element of search and discovery necessary in historical study. He admirably strikes the balance between state papers and chronicles. On legend he has sound doctrine, though he has left untouched the evolution of legend itself, a very curious phase of applied evidence resulting in high criticism. There is more to say than he admits for the resemblances rather than the differences of legal and historical evidence, in both of which the need of confirmation *ab extra* is the master canon. His low estimate of local tradition in general is justified, though he might have added that proof of the tradition as really early tradition may reverse the standard. Some points he has not touched, such as the endless questions of authenticity of authorship. Curiously, while sedulous in search after elements calling for guarded acceptance of testimony he leaves out one of the most dangerous of all, viz. the predilections of the enquirer whose subjective patriotism or politics may warp him much more than any quality in the proofs themselves. Mr. George has excellently utilised many themes incident to his own fields of study, and his little book may be commended for its eminently sane survey of the wide horizon of historical debate and its dispassionate attitude towards both sides of each question in turn. Every student of current discussions will find in his essay much to appreciate for the logical scrutiny of argument. The present critic has found it a very pleasant hour's discourse indeed, touching the matter of history all the time while marshalling its canons of proof.

L'INQUIÉTUDE RELIGIEUSE. 2me Série. Henri Bremond. Paris : Perrin and Cie. 1909.

THIS collection of essays by the author of a deservedly popular study of Cardinal Newman suffers from the defects which almost always attend the

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publication in book form of a number of magazine articles. The interest of the author in the psychology of religious experience gives the volume a certain vague unity, but the subjects treated of are so diverse, and the treatment is so unequal, that the reader will probably rebel against the systematic application of a somewhat limited set of categories to alien subjects.

The studies of Lamennais and George Eliot are interesting, and the short analysis of the educational methods of the Jesuits contained in the notice of a life of Father Porée is illuminating, but the author's treatment of Huysmans is inadequate, and the enthusiastic appreciation of Baroness Handel-Mazzetti is unconvincing. L'Abbé Bremond's special gifts find their proper field in the sympathetic and laborious analysis of a single religious experience, and he would do well to leave the task which he has attempted in this volume to workers of the type of M. Georges Goyau.

TABLES OF EUROPEAN HISTORY, LITERATURE, SCIENCE AND ART FROM A.D. 200 to 1909, AND OF AMERICAN HISTORY, LITERATURE AND ART. By the late John Nichol. Revised and brought down to date by William R. Jack, M.D. 5th edition. 4to. MacLehose. 7s. 6d. nett.

WELCOME is doubly due to this work as a re-equipment of a standard set of tables of dates, etc., chiefly of value for literature and the skeleton of history, and as embodying manuscript additions and alterations by Professor Nichol himself, as well as the fruits of large overhaul and extension by the new editor. Dr. Jack has materially enhanced the value of the tables by his revisions and a whole series of supplementary names, facts and dates, which excellently fit his late uncle's work to serve all normal synoptic purposes for another generation of students, British and American. Its quality as a sort of map of literature and history has obviously grown by Dr. Jack's revision, and is capable of still further growth by the same process.

THE ANGLO-SAXON CHRONICLE. Newly Translated by E. E. C. Gomme, B.A. Pp. xvi, 315. Crown 8vo. London : George Bell & Sons. 1909. 6s. nett.

A **FIRST-HAND** knowledge of the Anglo-Saxon Chronicle ought to be available for all students of early English history, whether skilled in Anglo-Saxon or not ; and Mr. Gomme has done well to supply this careful translation, accompanied by a short but adequate introduction, business-like notes, and an unusually full and serviceable index. He makes adequate acknowledgments of his debt to Mr. Plummer's fine edition of the text, and follows that reliable guide's conclusions in the account given of the relations of the various MSS., and in many of the notes. Mr. Gomme, however, is by no means a mere populariser of other people's scholarship ; and does not scruple, where he thinks necessary (as on pp. 265 and 271), to correct or supplement Mr. Plummer's conclusions.

THE SCOTS ARMY, 1661-1688, WITH MEMOIRS OF THE COMMANDERS-IN-CHIEF. By Charles Dalton, F.R.G.S. Pp. xxvii, 202, with many illustrations. 8vo. London : Eyre & Spottiswoode, Ltd. 1909. 25s. nett.

No book of Mr. Dalton's can be called uninteresting, and this one is no exception to the rule. Regarding the first Scots standing army as unreasonably neglected by all historians, save the older ecclesiastical ones who saw it from their own sectarian point of view, he has compiled this handsome and well-illustrated book which is a welcome addition to Scottish military history. We are given, in the first part, the biographies of the nine general officers who commanded the Scots forces down to the Revolution, and we notice many corrections of former writers, such as Wodrow, and many new pieces of information. The writer shows, for instance, that the troops at Bothwell Brig were not nearly so numerous as generally supposed ; that General Dalrymple was the only Scottish officer who refused to sign the Covenant at Carrickfergus, and he insists that Dalrymple was no worse in cruelty than others of his time. The second part of this book is filled with exceedingly valuable regimental notes and commissions and other papers rescued from very varied sources with much painstaking care. To the names in these records notes have been added, identifying the officer when possible, and this makes the book of considerable interest to the genealogist.

EXPLORERS IN THE NEW WORLD BEFORE AND AFTER COLUMBUS AND THE STORY OF THE JESUIT MISSIONS OF PARAGUAY. By Marion McMurrough Mulhall. Pp. xiii, 313, with portrait and maps. Crown 8vo. London : Longmans, Green & Co. 1909. 6s. 6d. nett.

THE writer of this book gives an account of the explorers of America, both before and after Columbus, and has much to say on the difficult subject of the early Viking and Irish discoverers whose range she extols in a way that shows her patriotism. She gives a short account of the later explorers also, but much the most valuable part of the book is the series of chapters on the deeds of the Irish in South America. The Hispano-Spanish adventurers, the Anglo-Peruvian and Anglo-Chilian officers, the Irish officers in Chili and Peru, and the English and Irish Legions. This portion of the book can not only be read with interest for itself, but is of some real value on account of the difficulty of getting the information collected in it elsewhere in so short a form in English. The work concludes with an account of the rise and fall of the Jesuit missions in Paraguay. The author is evidently a Celtic enthusiast who has devoted much research to her racial inclinations.

THE FALL OF THE OLD ORDER : a Text-book of European History, 1763-1815. By Ierne L. Plunket. Pp. iv, 248. With seven maps. Crown 8vo. Oxford : Clarendon Press. 1909. 4s. 6d.

To give in two hundred and thirty openly printed pages an account of over fifty years of modern European history is no light task, but given the difficulty the author of this little book has performed her work well.

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Whether the task is one that ought to be attempted is another question. To place such a book in the hands of the uninitiated is to give him inevitably a confused and kaleidoscopic notion of the complicated international relations, and of the great events that changed the Europe of 1763 into the Europe of 1815. There is not enough and there is too much. A bare synopsis of events, without any attempt to explain causes, is a safer guide than so compressed a history.

This being said, the author deserves praise for the care taken to counteract as far as possible the evils of the readable text-book. In the text and in the marginal headings dates are kept carefully before the reader. There is a good chronological summary with reference to the page in the text, on which the event is related ; genealogical tables are given of the Houses of Bourbon in France and in Spain, of the Houses of Bonaparte, of Hapsburg-Lorraine, of Hohenzollern, of Wittelsbach, of Romanoff, and of Savoy. There are plans of the battle of Trafalgar, of Napoleon's Russian campaign and of the campaign of Waterloo, and seven very useful maps illustrating the Partitions of Poland, Napoleon's campaigns and changes in the map of Europe. Finally, a full list of contemporary sovereigns is prefixed to each of the three 'books' into which the volume is divided. These are all helpful to the class teacher, and in addition the book is written in a fair, impartial spirit, and gives interesting biographical touches throughout. Its index would have been more useful had there been sub-headings.

A VINDICATION OF WARREN HASTINGS. By G. W. Hastings. Pp. vi, 203. Demy 8vo. London : Oxford Press. 1909. 6s. nett.

SINCE Macaulay there have been several writers who have examined into the charges brought against Warren Hastings through the malice of Philip Francis and by the eloquence of Burke, and Mr. G. W. Hastings, whose grandfather was present at the famous Trial, has added yet another book to the list. He defends his subject from the charge of corruption on all counts, from tampering with justice during the trial of Nuncoomar, the odium of the affairs of Cheit Sing and the Begums, and the 'trafficking' in the Rohilla War. He has done his work well as he demonstrates that the 'crimes' of which Macaulay more than once writes, are all unproved. He shows that amongst a welter of corrupt officials Hastings was no money-grabber, that he was faithful to the East India Company—as they well remembered—in all his transactions, and certainly for his time was neither despotic or unscrupulous in his dealings with the natives. He proves,—and he thinks conclusively,—that the proceedings which led to the trial and execution of Nuncoomar were commenced six weeks before Hastings' charge was made, and he defends his policy in the wars with the Maharattas and Hyder Ali. He points out how much Hastings raised the character of the East India Company ; that he was the real founder of the later standard of Anglo-Indian administration, and he corrects certain 'fables' about the pedigree and early history of his hero. Certainly if his judgment is not incorrect, the Prince Regent's opinion in 1814 that Warren Hastings was 'the most ill-used man in the dominions of the Crown' was not by any means short of the mark.

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ANNUAL REPORT OF THE AMERICAN HISTORICAL ASSOCIATION FOR THE YEAR 1907. Vol. I. pp. 550. Vol. II. pp. 646. 8vo. Washington: Government Printing Office. 1908.

ANNUAL Reports on this side of the water suggest only dull flat unprofitable uses seldom cheered by the remittance of a dividend. They manage these things better in the American Historical Association. Its double volumed 1196 pages are no mere formality, but contain, besides accounts of meetings and the work of committees, special products of research and invaluable collections of material for future historians of America to assimilate. While registering some discussions on general questions like the relation between geography and history, the organisation of local historical societies, and aspects of medieval and modern European and Oriental history, these twin close-printed tomes generally concern themselves with American constitutional, political and colonial history. One paper deals with the movement for an Indian State in the Republic—terminated by or definitely abandoned in the recent admission of Oklahoma, with red, black and white inhabitants, to statehood. Another traces the loyal sentiment of California through the struggle, external and internal, of the Civil War. Others have to do with the influence of Railways on the frontier, with Philippine colonisation, and with the relation of the United States to Latin America—which last is interpreted as considerably an inheritance of English antagonism to Spain. Elaborate accounts of State and district local archives and their keeping attest both care, system and foresight, on the part of the Commission appointed to organise and report.

Two main contributions, being in fact large monographs, are printed. One is Dr. William Spence Robertson's 'Francisco de Miranda and the Revolutionizing of Spanish America,' occupying 362 pages and equipped with a bibliography, an appendix of documents and an index. It is a historical biography of Miranda, whose dominant motive was to free Spanish America from the rule of Spain, and whose adventurous filibustering revolutionary career, from his birth at Caracas, circa 1752, until his death in a Spanish prison in 1816, included varied roles—the buccaneer exile and conspirator passing into the leader of the naval and military expedition against Spanish America in 1806, a founder of the Venezuelan Republic in 1811, the dictator of that tempestuous state in 1812, and finally, the baffled patriotic victim and prisoner of Spain till he died. Such a life of strenuous action and intrigue—being a virtual opening chapter of the early history of the Republic of Venezuela—was well worthy of Dr. Robertson's elaborate and richly documented studies. Miranda's relations not only with Spain but with Pitt and the British Government, and his part, however abortive at last, in the West Indian and South American enterprises of Britain in 1808, gave him an international position quite different from that of the normal Latin-American agitator and revolutionary; and make this able record of his life a document of Europe as well as of America. The second long contribution is a print (occupying the whole of volume II.) of the Diplomatic Correspondence of the Republic of Texas, from 1835 until 1842, edited by Professor George P. Garrison, and consisting almost entirely of letters relative to intercourse with the United States Government.

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A HISTORY OF THE OXFORD MUSEUM. By H. M. Vernon, D.M., and K. Dorothea Vernon. Pp. 128. Oxford: Clarendon Press. Sm. fcap. 8vo. 1s. 6d. nett.

IN 1645 'certain worthy persons inquisitive in Natural Philosophy' began to meet in London, but finding the civil commotions of the time too grievous there, transferred their concourses about 1648 or 1649 to Oxford. About 30 years later Elias Ashmole's collection of curiosities presented to the University made it necessary for the University to house it in a Museum. Growing as such things will do, the institution in 1858 was set on its modern basis as a Museum for the study of man, giving a general view of the planet on which he lives, of its constituent parts and of its relations as a world among worlds. So Sir Henry Acland defined the ideal which it has fortunately been destined in great measure to attain. The little *History* tells shortly and cleverly, with many an anecdote, the story of its struggles and vicissitudes, its buildings with emblematic carvings from natural history, its vast and special collections, archaeological, ethnological and scientific, its influence on the study of science in the University and its manifold associations with such men as Buckland, Ruskin, Huxley, Tylor and Ray Lankester. The writers prove that a Museum may lend itself admirably to biography, and their sketch, like Dr. David Murray's work on the general subject, is a continuous manifestation of curious and deeply interesting variety from the days of Tradescant's ark at the beginning, to these latter days of the jubilee celebration of 1908, and the Vice-Chancellor, Dr. Warren's, brisk and eloquent commemorative address.

A HISTORY OF MALTA DURING THE PERIOD OF THE FRENCH AND BRITISH OCCUPATIONS, 1798-1815. By the late William Hardman of Valetta. Edited with Introduction and Notes by Dr. Holland Rose, Litt.D. Pp. liii, 657. Royal 8vo. London: Longmans, Green & Co. 1909. 21s. nett.

THE future historian of Napoleonic times will have little excuse after the publication of this work if he 'wanders from the truth' regarding the circumstances by which the British have acquired the possession of Malta, as it consists of a collection of original documents, English and foreign, detailing the events during the specified period. We are shown how feeble the rule of the licentious Knights of St. John had become, and how irksome to the Maltese, and how they made a curious 'deal' with the Emperor of Russia when the French appeared. How the acquisition by the British formed no original part in the designs of the British Ministry, and how the idea of retaining the island, which was first suggested on 9th February, 1799, by Captain Ball, only later expanded and bore fruit. Vaubois' *Journal of the Siege of Valetta* is now printed for the first time. Dr. Holland Rose in his introduction gives us shortly the contemporary history illustrated by the documents later. He narrates the doings of the British fleet and throws light on the parts played by Lords Keith and Nelson, less favourable to the latter than the former. He narrates the complicated negotiations regarding

Malta between England and France; and with Russia, which claimed through the Knights of St. John; and finally, how Russia only in 1812 was forced by stress of circumstances to recognise the right of the British to rule, though the latter might have acquired the islands through a petition of the inhabitants as far back as 1801-2.

THE ORIGINAL MINUTES of HIS MAJESTY'S COUNCIL AT ANNAPOLIS ROYAL, 1720-1739. Edited by Archibald M. MacMechan, Ph.D. Halifax, N.S.

THIS work, printed in the *Nova Scotia Archives*, is of considerable interest to descendants of the early colonists, as it deals with an obscure period of colonial history. It gives a verbatim account of the doings of the officers to whom the administration of Nova Scotia was entrusted, at a time when the Indians were still a cause of fear and the French a serious menace.

The Curator of Glasgow University Library, by James Lachlan Galbraith (8vo, pp. 43, MacLehose, 1909). This most unusual tribute of loyalty, admiration and affection to a departed chief, is a memoir and appreciation of Professor W. P. Dickson (1823-1901), known to the world as translator of Mommsen, and revered by Mr. Galbraith for his devotion to the tasks of managing and cataloguing the University Library, of which he was honorary Curator and of which Mr. Galbraith is now chief librarian. Certain old-fashioned airs about the book only enhance the grace and warmth of a personal homage, such as to gratify not less the colleagues, students and friends of Dr. Dickson, than the many book-lovers and scholars who came within his ken.

The Clarendon Press issue of *Waverley* (cr. 8vo, pp. xii, 567; 2s.) is capital, with fifty illustrations, many excellent, some only old-fashioned and therefore in keeping, but all apt. A preface by Mr. A. D. Innes has a particularly jejune account of the Union. His appendix of notes and glossary usefully supplements Scott's own annotations. His not quite grasping the legal technicality of the word 'infer' illustrates the subtle way in which the lawyer still eludes the editor of the novelist. It is curious to observe—*O tempora, O mores!*—that all the Scriptural allusions are explained in full—not by mere references to the passages. We still deprecate in this series (*S.H.R.* vi. 96) the loss of Scott's own introductions, though we confess this novel suffers nothing in its equipment thereby. But why was the name 'Waverley' left unaccounted for? And why is the editor so careful to identify the obvious Titus Livius, David the First, and Aristides, while neglecting *Alexander ab Alexandro* the book, 'Leslaeus' and Buchanan the Scottish historians, Ubeda the Spanish burlesque romancer, and Robert of Cirencester on whom was fathered the forgery, *De Situ Britanniae*, which long deceived even the elect?

The Clarendon Press issues *Macaulay's History of England*, Chapter III. with introduction and statistical notes by A. L. Bowley (fcap. 8vo, pp. viii, 171; 2s. 6d.). It equips the famous chapter on the 'State of England

in 1685' with an introduction and notes which supplement the contrast of 1685 with 1848 by the further contrast of recent statistics. There were, for instance, 934,400 paupers in 1849 against 927,000 in 1906, but the number in 1849 was 530 per thousand of the population, while in 1906 it was 270. Unemployment, Mr. Bowley thinks, has neither increased nor decreased to any great extent relatively to population in the last sixty years. From the same press comes a shilling reprint of the bare text (pp. 142) of the chapter.

A Constitutional History of England, by A. M. Chambers (8vo, pp. xix, 355, London, Methuen & Co., price 6s.). The author of this work is History Mistress of the Bedford High School and a product of the Honours School of Modern History at Oxford. Presenting in tolerable compilation the main elements of the Constitution, she contrasts the Saxon with the Feudal organisation, traces the history and powers of king and parliament, and sketches the work of legislation and administration. The method adopted is sectional and not chronological, and the fine sense of an organic whole, a corporate growth, is quite lost. Many readers willing to welcome the work of such a student must regret that a writer whose chief reference to Scotland is that '*the unions of the Parliaments of Scotland and Ireland with the English Parliament* introduced a representative element into the hereditary chamber,' hardly inspires trust in her exactness in the understanding of imperial and national inter-relationships.

The National Library of Wales: Charter of Incorporation and Report on the Progress of the Library (4to, pp. 71, Oswestry, Woodall & Co., Caxton Press, 1909). This record of a pleasing enterprise in course of realisation under conditions of the highest promise reaches us with a circular emphasising the historical and literary value of the Library, and appealing for gifts of books or of money for the book and building funds. An account of the famous Hengwrt and Peniarth manuscripts, superb possessions of the already great new library, is accompanied by some excellent facsimile pages from the Mabinogion and the Canterbury Tales. Donations should be addressed to 'Librarian, National Library, Aberystwyth.'

The Union of South Africa, by the Hon. R. H. Brand (pp. 192, demy 8vo, Oxford, Clarendon Press, 1909, 6s. nett), is a useful book. It gives a short and clear sketch of the chief features of the South African constitution, and a well written account of the movement which led to the union. It will be welcome to all who desire to study the present position of South Africa, its native policy, and its optimistic outlook. The South Africa Act is given as the appendix.

In Johnsonian Gleanings, by Aleyn Lyell Reade (pp. 41, with frontispiece and 7 plates, foolscap 4to, privately printed), Mr. Reade continues his Johnsonian researches and we have here a small complement to his exhaustive volume *The Reades of Blackwood Hill and Dr. Johnson's Ancestry* [S.H.S. iv. 13, 101-102]. He prints, *inter alia*, a letter from Nathaniel Johnson, and tells a good deal about the Johnsonian circle at Lichfield. Interesting

portraits, hitherto unpublished, of seven members of the circle, Swards, Whites, Hunters, etc., illustrate the work.

The University and the Study of War (pp. 28, Clarendon Press, 1s. nett) is Mr. Spenser Wilkinson's inaugural lecture as Chichele Professor of Military History. Treating war as necessarily illustrating in the phase of conflict a supreme expression of a people and civilisation—'the enunciation of the idea of the nation in arms'—and therefore responsive and proportioned to the sense of national identification with the cause, this suggestive essay finds its finest illustrations in the energy of French Revolution warfare, of the German campaign of 1870, and of the Japanese in 1904-5. All had intense national motive, animating a wonderful concentration of force, nerving itself to the last degree of effort and sacrifice. Professor Wilkinson, who begins the modern epoch of warfare in 1792, is specially attracted by Napoleon and Moltke. He proposes among his tasks to trace the genesis of Napoleon's generalship out of his early studies and education. As to the trend of our own military organisation he is oracular in vague but hopeful anticipation.

Professor W. P. Ker's *Tennyson, the Leslie Stephen Lecture, delivered in the Senate House, Cambridge, on 11 November, 1909* (8vo, pp. 31, Cambridge University Press, 1909, 1s. nett) begins with a preliminary personal word on Leslie Stephen and a fine note on the character of the man Tennyson, as revealed by his magnanimous 'staring at the fire for ten minutes till the stranger vanished up the chimney,' when his friend Monkton Milnes had written him in a fury. It then turns to examine the poet, and with pleasant assurances that the devil's advocate is little likely to prevail against him. A constant experimenter, most ingenious in metres and variations, Tennyson, so often curiously reflecting far dissimilar genius (such as *e.g.* Pope's) was as closely studious of the thought as of the measures of poets before him. On the challenge of Tennyson's quality as a thinker, Prof. Ker ranges himself unhesitatingly on the side of the angels, and brings his unique felicity of quotation, re-pointed, to enforce his own 'hopeful and cheerful' word.

International Incidents for discussion in Conversation Classes, by Professor L. Oppenheim, M.A., LL.D. (8vo, pp. vi, 129, Cambridge University Press, 3s. 6d.). This odd class-book, interleaved, consists of a hundred episodes briefly described, and each raising problems of international law.

The Jahrbuch der Deutschen Shakespeare-Gesellschaft (pp. xxxii, 493. Medium 8vo. Berlin: Langenscheidtsche Verlagsbuchhandlung. 1909. 12 Marks) continues to deserve its reputation as the fullest and most satisfactory record of Shakespearian study. The present number is particularly good. Its material has been gathered from all quarters, and it has been edited with great care. It shows at a glance the result of researches that have any bearing on Shakespeare's life or art; it details the progress of the work on his text, even to the mention of insignificant

conjectures that appear from time to time in periodicals; it takes account of important and some negligible reviews; and it describes the chief theatrical representations in this country, on the continent, and in America. It sets itself a high ideal of thoroughness, and it attains to this with marked success. But it is more than a record. A great portion of the volume is devoted to original contributions, or to the reprinting of older matter that has any bearing on the study of Shakespeare. Miss Helene Richter contributes an elaborate essay on Shakespeare's humour, in which she classifies the different types of clown. Professor Brandl gives a careful reprint of the collection of Questions and Riddles 'translated out of Italian verse into English verse,' by Humphrey Gifford in 1580. Dr. S. Blach edits the concluding section of *Lily's Latin Grammar*, which it is to be hoped he will issue in an independent volume. Two articles are devoted to the Elizabethan theatre. Mr. W. J. Lawrence writes with prolix complacency on 'Title and Locality Boards on the Pre-Restoration Stage,' and Mr. Arthur R. Skemp, in a much more satisfactory paper on 'Some characteristics of the English Stage before the Restoration,' draws attention to a hitherto neglected print of a stage on the title of Nathanael Richards's *Tragedy of Messallina* (1640). Mr. Skemp has made a good contribution to an investigation which now attracts much attention, and in which good progress is being made.

R. D. G.

Archaeologia Aeliana (3rd series, vol. v. 1909) displays even more than the usual variety of equipment of the Newcastle Society of Antiquaries. Record study is well represented in Mr. Craster's calendar of the Woodman Charters in the possession of the Society and by Mr. Richard Welford's ninety pages of local muniments, numbering fully 350 writs, ranging from the thirteenth to the nineteenth century, and relative to properties in Northumberland and Durham. Heraldic studies are displayed in papers by Mr. S. S. Carr and Mr. J. S. Robson. Art and archaeology combine in Mr. Welford's supplementary account of 'The Three Richardsons.' Architectural antiquities are well represented in the account by Mr. W. H. Knowles of the gatehouse and barbican (with the well-known surmounting human figure of stone) at Alnwick Castle, which itself stands on a 'mount,' perhaps 'an early artificial moated and palisaded work.'

In the realm of pure history Dr. Hodgkin has a capital theme in the tragedy of John of Denton, who was falsely charged with having in 1342 received from Alain le Noble, a Scottish enemy of the king, a very large sum of money on condition that he and certain of his accomplices should betray the city of Newcastle into the hands of the Scots on the eve of Christmas (16th year of Edward III., 1342). This was to be accomplished by leaving a certain gate, which is called the Westgate, open for three nights running, that the Scots might enter therein. Furthermore, Denton was accused of having sent victuals to David Bruce, encamped at Hydwyn-laws with his army, by the hand of his servant Adam Palfreyman, on Sunday after the feast of St. Bartholomew in the 15th year of Edward III.

(26 Aug. 1341). Denton refusing to plead, stood mute, and was on 31 August, 1344, sentenced to *poenitentia*, interpreted as meaning *peine forte et dure*, being starved and pressed to death.

The term *poenitentia* in the last sentence escaped the attention of Du Cange. An interesting parallel example in Scots history is found in the treatment of Lord Soulis in 1320, sent 'till his penans' in Dumbarton tower until he died, as Barbour (xix. 51) records—'a sa penaunz,' as the *Scalacronica* has it, while Bower's rendering (*Scotichronicon*, ii. 274) is that it was a sentence of perpetual imprisonment. The three passages make a capital commentary on the phrase of the English document referred to by Dr. Hodgkin. The episodes of 1341-1344 will be welcomed as additions to Scottish annals, extending as they do our knowledge of the expeditions imperfectly recorded by Jehan le Bel (ch. 48), and in Gray's *Scalacronica* and our own chronicles.

But the Roman papers are perhaps the most characteristic of archaeological progress. That by Mr. J. P. Gibson and Mr. F. G. Simpson on the Roman fort on the Stanegate at Haltwhistle burn, a quarter mile or more south of the Wall, is noteworthy not only for its descriptions and conclusions, but for the admirable photographs which make the whole work and its situation clear, and for the bold and telling draughtsmanship of Mr. Simpson's plans and sections. A small camp with stone ramparts and internal buildings, for which not lime but clay was used, the importance of this fort lies partly in its situation on the Stanegate, a Roman way older than the wall, and partly in the indication it affords of early date, short occupation, and deliberate dismantling. Its bearing on the dates of the Wall and Vallum is a peculiarly interesting question, rather suggested than fully discussed by Mr. Gibson and Mr. Simpson, who (founding on its dismantled state, its near vicinity to Aesica, a wall-camp, and its position on the pre-Mural Stanegate) are definite in assigning an origin earlier than 120 A.D., and who lean somewhat to the view that the fort was built by Agricola, 79 A.D. Numerous analogies to the original fort at Bar Hill (*S.H.R.* iv. 336) are adduced in support of this inference. The paper is a valuable record of investigations which unquestionably make for the pre-Hadrianic origin of a considerable series of frontier works in Northumberland.

The final paper in this substantial volume of local archaeology is the Report on the Excavations at Corstopitum in 1908, compiled by Mr. W. H. Knowles and Mr. R. H. Forster, with contributions by Mr. H. H. E. Craster and Professor Haverfield. A continuation of more than one report noticed previously (*S.H.R.* v. 261, vi. 220), the present bulletin of excavations contains the record of much fruitful spadework, revealing more fully than before the military importance of the station. The heavily buttressed granaries, the extraordinarily massive building of 'rustic' masonry on both its exterior and interior faces, the granary altar, the well-cut bas-reliefs of a winged horse group, a sun-god, and a horseman, as well as the mass of coins, the fibulae, ornaments, metal objects, great variety of pottery, and the bronze cheek-piece of a Roman helmet—all well illustrated in the report—give the diggings at Corbridge front rank in archaeological value for the history of Roman Britain. General plans by Mr. Knowles are

excellent summaries of the explorations which have already not a little enriched the treasury of Roman relics from Northumberland.

The various publications of the Viking Club supply good matter of record as well as excellent dissertations. We have in previous reviews commented with warm approbation on the series (1) of Orkney and Shetland and (2) of Caithness and Sutherland documents collected and edited by the Club. They are often notable for the old Norse terms of law, custom, impost and tenure which they contain, such as the Shetland payment (*solutio Zeitlandie*), two-thirds in woollen cloth, *Norice vocato Wadmell*, and one-third in butter, stipulated for in a charter of 1572 of the tenantry of Grymbusta. An Orkney sasine, of Brabster, in 1580, or at least the extant draft of it, makes peculiar reference to possession as given to the grantees, not only 'be deliverence to thame of the said stane and mold,' but also by 'skloking out of the tenents' fyr thairon and kendling of the said Ihone and his spous wsd as use is.' The records of Orkney and Shetland (part vii.) include some vernacular Scottish deeds of 1587, with northern words and phrases such as 'strypes, wreak, weath,' 'toumales, quoyes, quoylandis,' 'udall' land as distinguished from 'kings land,' with great variety of 'scat.'

In the Club's *Old Lore Miscellany* (July) Mr. Gilbert Goudie quotes the 18th century poem called 'Laxo's Lines'; Miss Jessie Saxby gives Shetland names for animals; extracts are given from session records regarding sorcery in Caithness and Sutherland in the 17th century; and the title 'Orcadiana' embraces much in little. Scandinavian place-names in Sutherland give the leading theme in the October number of the *Old Lore Miscellany*.

But the *Saga Book* is perhaps the most representative publication of the Club. Its opening article (Jan.) is on 'Seafaring and Shipping during the Viking Ages,' by Professor Alex. Bugge, who shews the great place filled by the northmen in the development of shipping. As usual in such cases, however, the case is overpressed, everything is interpreted to favour the Norse claims, and initiative on the part of others seems hardly to be reckoned possible. For instance, the evidence of place names is put forward in many cases when it is palpably inadmissible, e.g. Great Orme's Head, and even Anglesea. Such claims push argument to an irrational extreme, and awaken distrust of better based conclusions in the learned, ingenious and patriotic Norseman's disquisition. Other papers include a critical analysis of the authorities for the lives of Ragnar Lothbrok and his sons, a chapter on the decline of the Icelandic Commonwealth, and a description of a ship burial at the Cruguel de Groix in Brittany, with sketches of the sword hilts, shield bosses, buckles, dice and other grave goods recovered, which included no fewer than 667 rivets.

An important proposition by the Rev. Chas. W. Whistler regarding Brunanburh brings alongside of each other two descriptions of battle, the one in the pseudo-Ingulf's chronicle, the other in Egil's Saga. In both Athelstan is victorious over Olaf and the Scots. Turketul in the one case and Thorolf Skallagrimsson in the other, followed by the Wiccii or

Wicingas, after prodigies of valour, is overthrown. Syngrin in the one case and Egil Skallagrimsson succeeds to the command, and slays the king or leader of the Scots, on which Olaf flees. The version in Egil's Saga calls it the battle of 'Vinheith,' that in Ingulf the battle of Brunford, and Mr. Whistler concludes that Syngrin is only a corrupt form of Skallagrim, and Vinheith only another name for Brunanburh, the historic battle of A.D. 937.

'It seems impossible to doubt,' says Mr. Whistler, 'that these two accounts refer to the same battle. We have in fact an English tradition of Brunanburh and an Icelandic tradition of Vinheith which are so close in detail, that they must refer to the same contest, and incidentally corroborate one another at the least in many points. Each account is avowedly written as the personal experience of a leader in one case of a whole division, and in the other of a picked section on the same wing of Athelstan's forces.'

The Viking Club also publishes its *Year Book*, chiefly consisting of reports of district studies and excavations, with pictures of the Stenness and Brodgar circles in Orkney, and the Rampside sword from near Barrow-in-Furness; also lists of members and many pages of Viking notes and reviews.

Scotland's Work and Worth, by Charles W. Thomson (Oliphant, Anderson & Ferrier), with its sonorous subtitle 'An Epitome of Scotland's Story from Early Times to the Twentieth Century, with a Survey of the Contributions of Scotsmen in Peace and War, to the Growth of the British Empire and the Progress of the World,' reflects that flamboyant spirit which some people consider patriotic and others regard as the constant cause of historical bias and distortion. Our concern with it being confined to its value as history, we cannot record the discovery of any particular indications of a student's equipment in the serial parts issued so far. The style however, if far from chastened, has a certain rough briskness, and the work bears the promise of a rapid and self-satisfied sketch of Scotland and the Scots from a narrowly native standpoint. A whole chapter expounds the text of 'Britain not England,' with incidental girding at some unnamed author 'who has attained the distinction of a place in *Who's who*.' Perhaps this phrase itself gauges the standard of the author's 'outline of history, tribute to endeavour, and record of achievement.'

Papers and Proceedings of the Royal Society of Tasmania for the year 1908 must be welcomed as shewing gratifying signs of scientific antiquarianism at the Antipodes. Dr. Fritz Noetling not only describes native quarries for stone implements and the varieties of the weapons made, but also discusses the Tasmanian aboriginal designations for the latter. He distinguishes two types—round water-worn stones used for religious ceremonies and chipped stones used for cutting. Curiously, the aboriginal vocabulary had not specific words for knife, axe, saw, bow, arrow or spear-head. This runs parallel to the fact that the Tasmanian *tronatta* or

flint 'is a kind of universal implement which was indiscriminately used for chopping, cutting, scraping, boring, and hammering.'

The English Historical Review (October) sees the third part of Sir H. H. Howorth's geographic and ethnological study of the Germans of Caesar. Professor Powicke examines the authorities for the death of Arthur of Brittany and leans strongly towards the conviction of King John. Mr. Marsden finds a good sea-theme in Early Prize Jurisdiction and Law as applied in England. Miss E. A. M'Arthur brings out very interesting points and extracts relative to agitation by women for political and social rights under the Long Parliament. Mr. Hertz deals with both industrial and economic aspects of the history of the English Silk manufacture in the eighteenth century. Mr. H. W. C. Davies prints a MS. description of the battle of Tinchebrai. Mr. Ballard calls attention to a charter dated *ante* 1158 mentioning the custom of the Cinque Ports (*consuetudine quinque portuum*) and thus carrying back that organisation a third of a century further than previous students. A most interesting statement of expenses in 1357 and 1358 is printed from the oldest extant account-book of the University of Oxford. Bread and beer appear in the canonised proportions: there is much shoeing of horses: flounders, mussels, red herrings and pies abound in the record of the costs of a journey to London. In a review, Dr. James Wilson comments on the St. Andrews MS. *Formulare*, concluding that for the honour of St. Andrews it should without delay be edited.

In the form of a supplement to the Transactions of the Philological Society, Mr. John Hodgkin contributes *Proper Terms, an attempt at a rational explanation of the meanings of the Collection of Phrases in 'The Book of St. Albans' 1486, entitled 'Companynys of Beestys and Fowlis' and similar lists* (pp. 187). It is a full collection, collation, and discussion of instances of more than two hundred 'company terms' or names of groups such as a herd of deer, a flush of mallards, a trip of goats, a gaggle of women, a non-patience of wives, an eloquence of lawyers, a drunkship of cobblers, or a skulk of friars. No one interested in the oddities of popular imagery, and sarcasm, and the survivals of ancient technical expression, can fail to be entertained and instructed by Mr. Hodgkin's paper which represents much historical and philological mining, and is itself a mine of antique phrase.

Mr. R. Coltman Clephan, F.S.A., sends us an offprint of his paper in the *Archaeological Journal* entitled 'An Outline of the History of Gunpowder and that of the Hand gun, from the Epoch of the earliest records to the end of the fifteenth century,' with eight illustrations of typical early firearms. After shewing that gunpowder was known to Europe in the thirteenth century, that probably the Chinese gained their knowledge subsequently from Europe (instead of *vice versa* as long supposed), and that the application of the invention to 'gonnis,' bombards, 'canon,' 'handgonnis' hackbuts and pistols began its evolution early in the fourteenth

century, he sets forth the proposition in orderly progress with dated examples and records. Barbour's reference to 'crakys of were' in 1327, though early, is not the earliest instance. An illustration gives a type of the second half of the fourteenth century, indicative of the same high trajectory as appears in the drawing of a hand-gun dating from 1411 also here presented. These contrast instructively with the developed type of the early sixteenth century shown in the spirited sketch of a hackbutteer of the time of Maximilian I., with its level trajectory and its trigger equipment. To the early examples discussed might be added the 'espingole,' which caused such dismay in the defence of Metz in 1323 as described in the poem known as the *Guerre de Metz* and incorporated in Jacque Dex's *Metzer Chronik* (*S.H.R.* iv. 468), stanzas 81, 114, 117, 129, 187. The Crecy passage in Villani Mr. Clephan has dealt with elsewhere, but he has not, we believe, examined the verses in *Golagros and Gawane*, ll. 464-6, mentioning

Gapand gunnys of brace,
Grundin ganyeis thair wase,
That maid ful gret dyn.

Scottish Alliterative Poems, ed. Amours, p. 16.

If this poem be correctly interpretable with reference to the Black Prince's expedition of 1355, as the latest theorist reads it, the reference to brazen guns would keep in countenance Edward III.'s purchases of gunpowder at 18d. per pound in 1347 as well as the numerous continental instances of the use of 'bombards portatives' in 1322, 1331, 1334, 1341, 1346 and 1364.

Musicians, lovers of music, and students of musical history, alike will hail with satisfaction the appearance of *The Musical Antiquary*, a half-crown quarterly periodical published by Mr. Frowde of the Oxford University Press. The inaugurating number (October) includes papers on Handel in Italy, on that will-of-the-wisp English Prosody, on Early Elizabethan Stage Music, and on the King's Musicians. Historically, probably the most interest will be found in a notice of Robert Douland's *Musical Banquet* published in 1610, reproducing a number of songs with their setting, and quoting the dedication as well as Henry Peacham's hexameters of introductory praise, and the author's own address to the reader. 'I have fitted my Banquet for all tastes,' he says, in publishing 'these Ayres being collected and gathered out of the labours of the rarest and most iudicious Maisters of Musick that either now are or have lately lived in Christendome.'

Notes and Queries for Somerset and Dorset, always conspicuously well edited, gives in the June issue even more than its usual store of document, epitaph, and antiquarian fact. A set of Orders, constitutions and articles for the borough of Shaftesbury in 1618 shews the maintenance of burgess and craft privilege, enacting 'That it shall not be lawfull to or for any person or persons from and after the daye of now next Coming to

sett up or keepe shopp or to use or exercise as a shopkeeper any manner of Crafte mistery or occupacion within the sayde Burroughe excepte such person or persons shalbe first made and admitted a free man or freemen of the sayde Burroughe.' An inquisition of 3 Edward III. mentions a tenurial corrody in Shaftesbury abbey, viz., a loaf called Koytlouf, a gallon of ale, and a dish from the abbess's kitchen every day in return for service as cook and taking charge of the copper, silver and brazen vessels in the kitchen. In the September number are printed many local documents. Amongst them are a complaint in 1592 about the water supply of Axminster, and an indenture of 1700 giving water-rights to the borough of Shaftesbury: also an indictment of 1648 for murder by a wife 'instigacione diabolica mota et seducta' who of malice aforethought 'jactabat, Anglice did throwe' a stone and struck her husband, inflicting upon him 'unam plagam mortalem, Anglice one mortall bruse' so that he died.

The Reliquary for October is profuse in pictures of the old archiepiscopal palace of Croydon, of a richly-carved cubical Norman font at Lenton, Nottingham, and of the basilica of Sant' Ambrogio at Milan. Archaeology is pleasantly varied by a sketch, also well illustrated, of 'Tim Bobbin'—John Collier, the eighteenth century Lancashire poet, weaver, painter and engraver—who gave a standard for the Lancashire dialect by his homely and popular verse.

In *The Genealogist* (Oct.) Mr. W. H. B. Bird, in an article on the origin of the Rodneys, prints a charter which goes so far to make good his surmise that an ancestry assigned to the circle of the Empress Maud really began with Richard of Rodney under Edward I.

Transactions of the Baptist Historical Society (October) may be said to deal principally with Baptist biography of the seventeenth and eighteenth centuries, with interspersed letters and fragments of discussion on original sin and feet-washing which dismay the lay mind. More interesting is the sketch of Militant Baptism from 1660 until 1672.

The Rutland Magazine (Oct.), giving editorially the 'Annals of Rutland,' deals meantime with the records of the Commission of the Peace, printing the fifteenth and sixteenth century lists of justices, and various oaths, commissions, etc., of the eighteenth century.

The Berks, Bucks, and Oxon Archaeological Magazine (Oct.) is textually and pictorially rich in curious sepulchral inscriptions of the Kidwelly and Dunch families at Wittenham.

The American Historical Review (October) begins with a good account of the American Historical Association, of which the *Review* itself is the prime fruit. With 2500 members and a fund of \$26,000, besides a handsome annual Government subsidy, the Association shows every sign of an energetic and progressive vitality, which we trust may long be its

characteristic. A paper by Mr. Tamblyn states the pros and cons for British Druidism as a historical institution. His conclusion is that there is no sure proof from any quarter that Druidism in the proper sense of the word (as a Continental and British religious organisation), or even Druids, ever existed in Britain. Whether, however, the critical opinion of some modern scholars outweighs the definite allegations of Caesar, Pliny, and Tacitus we gravely doubt. The last word on such controversy tends to be adverse to the sceptic, and plain men will be content to remain in the company of Mommsen and Bury, and to stand by the Druids.

Mr. Cannon essays to account for the charter of liberty by Henry in 1100 as feudal (not following Anglo-Saxon precedent), as expressing coronation promises, and as an evolution from burghal charter. To-day, as in the thirteenth to the sixteenth centuries, the Hanse League interests and concerns the world's history. The policy of the old confederation of North German towns in the zone from Holland to Finland is discussed by Professor Daenell. Succinctly indicating the struggle of the League to maintain itself and keep the monopoly of maritime government of the Baltic and the North Sea, the Professor shows how it comprehended some seventy towns, and gave to the dismembered German Empire its sea power and commercial predominance; and this it accomplished chiefly, Professor Daenell believes, by its marine policy, aiming at a restriction as far as possible of Hanse merchandise to Hanse bottoms. Perhaps another critic will also believe that the Hanse held its own so precariously and for so short a period, and came at last to so utter a collapse because of this very policy, which in not a few of its most selfish and oligarchic conditions bore as keenly on its own membership in the more inland towns as it did on the rival communities on the outer seas. Ruin came in disunion and the break up of the League when, as was inevitable, the monopoly was burst.

A vital element in American political evolution is dealt with by Mr. John Mabry Mathews in one of the Johns Hopkins University Studies, entitled *Legislative and Judicial History of the Fifteenth Amendment* (pp. x, 126). The amendment passed in 1869 enacted that the right to vote should not be denied or abridged on account of race, colour or previous servitude. Reaction has taken many forms, which from time to time test the amendment in the law courts. There is an active tendency to evade or waive its effect, and the courts themselves, as seen by their judgments carefully marshalled in this essay, reflect very directly the apathy of public opinion towards its full enforcement. 'In a technical sense,' Mr. Mathews concludes, 'the Amendment is still a part of the supreme law of the land. But as a phenomenon of the social consciousness a rule of conduct, no matter how authoritatively promulgated by the nation, if not supported by the force of public opinion, is already in process of repeal.' Such a discussion as this owes peculiar interest to its illustration of how much intense and bitter political emotion may be seething under the apparently calm surface of the Law Reports. Issues of the gravest moment are coming up again and again in these questions of negro status, which are of such anxious augury for the public peace of the United States.

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The Iowa Journal of History and Politics for July contains, edited by Mr. Louis Pelzer, the text of a Journal of Marches of Dragoons in 1834-35 through Pawnee and Comanche territory across Missouri, under the command of Colonel Henry Dodge. There are interesting passages which recall Fenimore Cooper, such as that which tells of Pawnee warriors at the ends of whose cues 'was fastened a variety of scalps of different hues, probably torn from the heads of their unfortunate victims.' Private L——, as yet unidentified, who kept this journal, has left a record which, despite much bad spelling, has in marked degree the charm of adventure. He tells of the 'wild, unintelligible and unaccountable songs' of the Indians, notes stray particulars of their way of life, and has a keen eye for the landscape passed through on the route from Jefferson Barracks (Missouri) to Fort Gibson (Oklahoma), and thence to Fort Des Moines (Iowa) on to the village of Wabashaw the Sioux chief (Minnesota). Difficulties of the expedition were hot weather, wet weather, and the many rivers which had to be negotiated by fords and rafts. It was a campaign of peace—to reconnoitre only.

In the issue for October Mr. J. W. Rich in a long article, with eight sectional maps, describes and discusses the battle of Shiloh (6 April, 1862), in which Grant's initial reverse threatened to be a Bull's Run, but the reinforcements and the second day's fighting turned the scale against the Confederates. The question of General Wallace's responsibility for the failure of his division to reach the fighting line on the first day depends on the text, and hour of delivery, of an order which was lost. Mr. Rich favours Grant's side in the controversy.

Dr. Havelock Ellis's daring article in the *American Journal of Psychology* for July on 'Sexual Education and Nakedness,' regards modern and medieval conceptions of the subject as fundamentally Roman and opposed to the Greek. His views would have interested the author of a famous essay, 'Sur des vers de Vergile.'

Educationists may note with advantage Mr. Geissler's paper in the October number of this *Journal* on 'the Measurement of Attention'—a scientific study of the relations between the degrees of attention (tested by perception of sight and sound) and the pupil's work.

The *Revue Historique* (Nov.-Dec.) is concerned with the career of Albert de Luynes, constable and favourite of Louis XIII., with the capitulation of Laon after Sedan, with the *Orpheus* of M. Reinach, and with the Abbé Hanon, a clerical enemy of Napoleon I.

In the latest number (July, 1909) of the *Revue d'Histoire Ecclésiastique, Université Catholique de Louvain*, there is a remarkable article which will interest students of Church history during the first half of the fifteenth century, *Un recueil manuscrit de sermons prononcés aux conciles de Constance et de Bâle* (J. M. Vidal). The writer of the article, who lately discovered and purchased the volume, supplies a full inventory of its contents, with extracts and notes tracing the origin of the separate items, about fifty in number.

The collection was brought together by Coloman Chnapp, a regular canon of Klosterneuburg, mostly at Basle, in 1433. The chief points of interest in those sermons and other pieces are 'that they emanate from distinguished orators, and that they contain a large number of important historical notes on both councils, on contemporary events, and on the situation of the Church at the end of the Schism.' M. Vidal believes that most of the pieces have never been published. England is represented by three sermons, the funeral orations of Robert Hallum, bishop of Salisbury, who died at Constance in 1417; of Robert Decham, archdeacon of Norfolk; and of William Corff, who represented the archbishop of Canterbury at the Council of Basle. They throw a vivid light on the position taken up by the Church in England as to the two main questions of ecclesiastical reform and papal election.

Our contemporary *Archivum Franciscanum Historicum* continues to present interesting discussions and documents bearing on the Order of St. Francis. In the July issue the opening article appeals to artists as well as to Franciscan students, giving, as it does, an account of the first mosaic worker of the Order—Frater Jacobus Musivarius, regarding whose identity much doubt has existed. He is shown to be earlier than the artist who, in 1291, decorated the apse of the Church of S. John Lateran and Sancta Maria Major in Rome, Friar James de Turrita, with whom he is often confounded. Brother James the mosaic-worker's art is to be seen at Florence in the Baptistery of S. John, near the Cathedral, and dates from about 1225.

There is also an illustrated article dealing with the mural decoration in the library of the Franciscan Convent of S. Bernardine in Verona, which the author, Father Dal-Gal, attributes to Domenico Morone, assigning the dates between 1494-1503 for its execution. We have representations of 14 doctors and 14 cardinals of the Order in life size, grouped two and two. Among them figures our *Doctor subtilis*—Johannes Duns Scotus.

The valuable Compendium of Chronicles of Friars Minors of Marianus de Florentia is now for the first time being published by the editor of the *Archivum*, with notes and corrections. Wadding and all other Franciscan historians are largely indebted to this work. The MS. preserved in the Morenian Library at Florence is of the sixteenth century, on 70 leaves of paper.

The author's appreciation of Roger Bacon is thorough-going—'Roggierius Bachon, Anglicus, magnus theologus, maior philosophus, maximus negromanticus, qui inter ceteros doctores, Doctor *mirabilis* appellatur, de quo vulgo dicitur et scribitur quod totum scibile sciverit et scripserit.'

We note the following sentence as having a Scottish flavour: 'Guglelmus Varro, Anglicus, theologus eminentissimus, Ioannis Scoti olim preceptor, qui inter ceteros Doctor *fundatus* appellatur.'

Communication

THE SITE OF THE BATTLE OF BRUNANBURH (*S.H.R.* vii. 37). After a silence of ten years or more, Dr. Neilson has returned in the pages of this *Review* (vol. vii. 37-55), with fresh arguments and additional authorities, to the identification of the fight of Brunanburh in 937. There are many strong reasons for adopting Burnswark in Annandale as compared with the rival sites that have been urged from time to time. The Irish participation in the alleged battle requires a site on the western coast: Ketell of Beverley clearly localises the region of the Solway: Egil supplies scenery which points to the natural formation and earthen-enclosures of Burnswark: the plain of Hoddum seems to satisfy the Annals of Clonmacnoise. Taking a bird's-eye view of Dr. Neilson's contribution, it must be admitted that the argument is ingenious, the coincidences are striking, the voices are fairly harmonious. In fact the stage suits the play.

This fresh attempt at identification plunges us once more into the old controversy of the historical value and geographical distribution of folk-tales. Is the whole conception of Brunanburh a creation of poetic fancy? Is not the battle eponymous? The earliest mention of it, I suppose, is the bardic insertion in the English Chronicle. If the ode enshrines a germ of history, has it a local habitation? It comes to us in various disguises, from widely distant regions, each presentation having a family likeness to its fellow, as if springing from a single source.

It must not be forgotten that Burnswark is situated in a region where medieval literature has told fascinating tales. Much of the local nomenclature is the creation of the Arthurian legend. There is indubitable proof that romance has covered the map with Arthurian localities. Did the historic Arthur, if such ever existed, reign in Merry Carlisle? Are we to take our history from the map whereon are recorded the episodes of his life and the merry-making of his knights? Was it the legend that made the map, or was it the map that occasioned the legend? At all events, historical record is frigid and unconscious of Arthur before the rise of the new enthusiasm. Then again, when Earl David held his famous congress of antiquaries on the ecclesiastical status of Glasgow, the figure of Kentigern loomed out of the mist only as a shadowy and half-mythical personage, intangible as the ghost of Creusa. Within half a century, the saint assumed historical shape and his footsteps were traced with a precision that has captivated generations of reputable scholars in the most critical period of modern history. Who believes now that Kentigern left those footprints behind him? We rather think that the pious element in a folk-tradition gradually accumulated

materials, whereon was afterwards raised the geographical scenery of his labours.

Sites like Burnswark, Roman or pre-historic, have ever been the scenes of song and story. The origin or meaning of these survivals was quite unknown during the transition which introduced the medieval period. Awe was the fruitful parent of legend. The singers and the antiquaries set themselves to interpret the relics of forgotten civilizations. Old Carlisle, an important Roman site within view of Burnswark, may be taken as a notable example to show how the minstrels of successive periods have varied the music on a single theme. To the author known as Nennius the ruined Roman town was the veritable Guasmoric, the city built by Vortigern. In the author's day the British tradition was not uncertain: it had preserved the name of the founder, and Nennius identified the site. The English, however, after their custom, discarded the ancient nomenclature and called the place Palmcastre, which, when feudal customs arose, became the centre of a feudal area. Before the period of the Renaissance the feudal name had died out and the Tudor antiquaries were hopelessly in the dark about its previous history. The riddle was ultimately solved: it was the deserted site of Cumberland's original capital and has since gone by the name of Old Carlisle. In a similar way another Roman site in the same district was caught up at an early period into the cycle of Arthurian legend, where it shines as *castellum puellarum*, maidens' castle, a name which has filtered into the dry prose of medieval record. The name, however, perished with the force that gave it birth. Since the sixteenth century it has retained the name of Old Penrith from its nearness to the medieval town.

Despite the coincidences and corroborations which crowd the versions of song and legend, I take a desponding view of their historical value. The literary artist has been always with us, weaving his narratives and fashioning his plays to suit his stage. As nobody can set bounds to the distribution of folk-traditions, it appears to me, in view of the ethnological history of the Solway region, that Brunanburh still eludes us, and is likely to remain a *collis credulitatis* till more is known of the substratum of truth, if such there be, which underlies the fictitious creations of romance.

Assuming the historical element in ballads and sagas, let us see whether a new site can be suggested with some claims to enter the lists with its rivals. In the valley of the Ribble, on the Yorkshire border, in the hamlet of Elslack and parish of Broughton, there is a hill named Borwens or Burwens, and on it there was a Roman camp, now mutilated by the Midland railway, called Burwen Castle. The site is approached by Roman roads and the base of the elevation is washed on one side by a brook. Skeletons, gold coins and a battle-axe have been found. To the east lies the plain of Otley. According to a tradition current so late as the seventeenth century, the castle had been besieged and destroyed by the Danes. If we accept Dr. Neilson's criteria as pertinent, wherein does Burwen Castle fail? Etymologically it stands midway between Brunanburh and Burnswark. It is accessible from Dublin, and is not inconsistent with the Annals of Clonmacnoise. But I do not

believe in Burwen Castle any more than in Burnswark or Aldborough, nor do I follow Egil or Ketell of Beverley, or both together, any more than Florence of Worcester or Pierre Langtoft. The epic of Brunanburh is elastic enough for diverse geographical adaptation.

One point may be added to Dr. Neilson's argument. I notice that though Dr. Hodgkin has pinned his faith to Burnswark and placed it on his map, he still holds to the identification of Eamot of the Chronicle with Emmet in Holderness as the scene of the submission of the kings to Athelstan. If the identification of Brunanburh is well-grounded, why travel so far for Eamotum? William of Malmesbury calls the place of meeting Dacor. The collocation of names, as reported in the two versions of the tradition, seeing that Dacre and Eamont are contiguous sites, is sufficient to identify the allusion as belonging to Cumberland. Dacore was an important site in Bede's day. But here again the mere jingle of place-names is as treacherous as a friar's lantern. There is no doubt that Professor Maitland was in a prophetic mood when he wrote that 'the map of England is the most wonderful of all palimpsests, could we but decipher it.' Dr. Neilson has made a praiseworthy attempt to carry out the instructions of the master.

JAMES WILSON.

Queries and Replies

DALZELL AS PLACENAME AND SURNAME (*S.H.R.* vii. 69). The interesting paper by Mr. J. B. Dalzell in the October number contains one statement for which I venture to ask the writer's reconsideration. After rejecting Nisbet's absurd interpretation of the name, Mr. Dalzell says confidently, 'What it really means is "the white holm" or "beautiful meadow." . . . *Dal geal*, as it is in Gaelic.'

Now, without enquiring too curiously into Mr. Dalzell's transposition of the consonantal *y* (represented in modern typography by *z*) for the Gaelic *g*, may I ask why, assuming 'the white holm' to be the true meaning, it should receive the fanciful paraphrase of 'the field of the sunbeam.' The leader of the Calvinistic Methodists had a musical ear, yet it took no offence at his plain Anglo-Saxon family name 'Whitefield.' It is true that the Celt often showed his appreciation of a pleasant exposure by naming places from the sun; but he always used the same word to express it, viz. *grian* (pronounced 'green'), the sun, as in numerous places called Grennan, Greenan, Knockgrean, Aghanagreena, etc. The Rev. James Johnston's 'shot' at *dail ial* (*Place Names of Scotland*) may be dismissed as untenable.

But the point I wish specially to bring under Mr. Dalzell's notice is this. Assuming with him, as we may safely do, that Dalzell is a compound Gaelic placename, it contains no reference whatever to a meadow, holm or field. *Dal* occurs as frequently as a prefix in Gaelic compounds as it does as a suffix in Scandinavian compounds. The word is the same in both languages, but the meaning is altogether different. The root meaning is the same in both, viz. separation or division; but in Gaelic it signifies a land portion—a separate possession or share, and in Norse it denotes a dale or valley, that is, a tract separated from the rest of the land by mountains; whence the English 'dale' and 'dell.'

From this untraced root have sprung many words expressing very different meanings, all with the sense of sharing or dividing. To 'deal' at cards, 'a great deal,' 'deal' signifying a pine trunk divided into planks, and so on; but it never meant a field or meadow in Gaelic at the time when localities in the lowlands received Celtic names, because fields were not fenced off in those days. The only fenced part was the garth.

HERBERT MAXWELL.

REV. ROBERT LANDESS OF ROBROYSTON [*S.H.R.* vi. 374]. The statement that he was buried in the Cathedral Churchyard of Glasgow is quite correct, but the year of his death was 1707 and not

216 Rev. Robert Landess of Robroyston

1705. Mr. Landess was buried on 5th August, 1707; he is described in the Burial Register as 'lait minister of the Gospel at Blantyre.'

84 Albert Drive, Crosshill.

J. R. ANDERSON.

JAMES REID. James Reid according to family tradition was born in 1731 at Haddington; he was a partner in the firm of Biggar & Co., Flax Merchants (and Linen Manufacturers?) at East Sciennes and Leith—trading chiefly with Holland. He married about 1770 Ann Cumming, daughter of William Cumming, merchant in Inverness; died in 1811; was buried at Greyfriars, Edinburgh.

James Reid, who was the direct ancestor of the present Lord Chancellor, is stated to have been a son of David Reid, merchant in Edinburgh, born circa 1695, and grandson of the Rev. William Reid, minister of Dunning, member of the Assembly, 1692.

I shall be grateful for any light on this tradition, or for help in checking it.

7 Milborne Grove, S.W.

R. C. REID.





Moffat, Edinburgh

BISHOP DOWDEN

1840-1910

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The Parish Church and its Privileges during the Medieval Period

In the last two numbers of the Scottish Historical Review two papers have appeared by Bishop Dowden on The Appointment of Bishops in Scotland, and on The Scottish Crown and Episcopacy in the Medieval Period. This paper on The Parish Church had been offered to the Editor by Bishop Dowden before his sudden death on January 30th. It has been printed from his manuscript, but has not had the benefit of his revision.

Scotland has reason to deplore the loss of an able ecclesiastic and learned scholar whom she could ill spare. The Scottish Historical Review not only shares this general loss, but will miss the personal support which it has throughout received from Bishop Dowden. The Editor gratefully remembers the readiness with which Bishop Dowden gave his advice on ecclesiastical points, or took his share in work which implied joint labour. In the conduct of the Review there was no greater encouragement than the friendly letters which the Editor very frequently received from him, and especially on the appearance of a new number. In these his width of scholarship was as marked as the generosity of his appreciation, and his kindly readiness to make helpful suggestions.

His death makes a great blank in our ranks.

Ed. S.H.R.

THE Scottish thirteenth century statutes prescribe that the parish church should be built of stone.¹ Possibly there were still surviving some of the wooden structures which formed the churches of the early Celtic Christianity of the country.² The cost of the building was to be defrayed by the parishioners, with the exception of the chancel, which was to be built at the cost of the rector.³

The churches were to be supplied with the proper furniture (*ornamenta*), books, and vessels.⁴

After their construction the churches were to be duly consecrated.⁵ This obligation was often neglected. The zeal of David de Bernham, bishop of St. Andrews, exhibited itself in the consecration of a great number of churches (140 in all) between 1240 and 1249; but it would be a mistake, into which some have fallen, to suppose that these various churches were only recently erected.⁶

From another set of statutes (also of the thirteenth century) we learn that the windows were to be glazed,—those in the

¹ *Statutae Ecclesiae Scoticae*, ii. 11.

² The Saxon church, rudely constructed of split oak, at Greenstead in Essex, survives to this day.

³ The upkeep, in whole or part, of the fabric of the chancel was by arrangement often imposed upon the vicars. Examples will be found in *Reg. Aberdon.* i. 23; *Chartulary of Lindores*, p. 100.

⁴ The text reads *vasis*; but I suspect that this is an error for *vestimentis*. The *vasa* are included in the *ornamenta*.

⁵ *Stat. Eccl. Scot.* ii. 11.

⁶ In 1240 De Bernham dedicated the churches of Lasswade, the Preaching Friars at Perth, and St. Nicholas, Berwick. In 1241 he dedicated the churches of Kirkton (? St. Ninian's, Stirlingshire), Merton near Dryburgh, Yester, Linton (in Haddingtonshire), Forteviot, Kinnettles, Mid-Calder, St. Cuthbert's, Edinburgh (*sub castro*), and Channelkirk in Berwickshire. In 1242 he dedicated the churches of Gordon in Berwickshire, Stichel in Roxburghshire, Fogo, Greenlaw, Langton, Polwarth, and Chirnside, all in Berwickshire, Holy Trinity, Berwick, Baro (Haddingtonshire), Pencaitland, Cockpen, Linlithgow, Collace in Perthshire, Falkirk (*Varia Capella*), Strachan, Nigg, Arbuthnott, Kinneff, St. Cyrus (Egglesgerch), Aberluthnoth (Marykirk, Kincardine), Tannadyce, Inverkeilor, St. Vigean's, near Arbroath, Aberlemno, Glamis, Airlie, Newtyle, Fugeles (? Fowlis Easter), Perth, Abdie, Flisk, Wymeth (Woolmet, Midlothian), Seaton, Gulane, the Nuns of North Berwick, Innerwick, Oldhamstocks, Legerwood, Wedale, Erseldun (Earlston). These (exhibited as specimens) and the remaining churches dedicated by De Bernham will be found recorded in the *Pontifical Offices used by De Bernham*, edited by Canon Christopher Wordsworth, 1885.

chancel at the cost of the rector, and those in the body of the church at the cost of the parishioners.¹

Each church should have a silver chalice which, together with the books and whatever was necessary for the covering of the altar and its lights, should be provided by the rector under penalty of suspension from his benefice.²

The books and sacerdotal vestments in good condition were to be left to his successor by the rector, otherwise the portion of his income due should be mulcted to the extent of what was necessary to supply the want.³

There should be a font (*baptisterium*) of stone or wood, and, when not in use, it should be kept locked.⁴ Fonts with a lid, or cover, with lock attached, were common in English churches, and several specimens of medieval fonts with such covers still exist. The font was to be of sufficient size (*competens*); this presumably refers to the fact that in all ordinary cases baptism was administered to infants by immersion. And it is thus the word *competens* is glossed by Lyndwood⁵ when commenting on the corresponding English statute: 'The font is to be of sufficient size to allow of immersion in it.'⁶ The permission to use wood in the construction of a font was unusual, but if, as was common, the bowl or basin of the font was lined with lead, it mattered little whether the outer part was of wood or of stone. Though wooden fonts were unusual, we find that some of the medieval statutes of England, when treating of the material of the font, say it is to be 'lapideum vel aliud.'⁷

Notices of covers for the font appear in many church inventories in England in the sixteenth and seventeenth centuries, and some of the bishops enjoined them on the clergy in their Visitation Articles.⁸

The Scottish statute further ordains that when those who were charged with the duty of keeping the font locked were negligent they were to be suspended from office for three months, while if, through their negligence, any profane abuse of the water occurred,

¹ *Stat. Eccl. Scot.* ii. 53.

² *Ib.*

³ *Ib.* 35.

⁴ *Ib.* 39.

⁵ *Provinciale*, lib. iii. tit. 24.

⁶ Compare the Constitutions (A.D. 1240) of Walter de Cantilupe, bishop of Worcester, enjoining that there should be a stone font 'decentis amplitudinis et profunditatis.' Wilkins' *Concilia*, i. 666.

⁷ It is said that there is an ancient wooden font at Evenechtyd in Denbighshire. G. F. Lee's *Glossary of Liturgical and Ecclesiastical Terms*; s.v. 'Font.'

⁸ See *Hierurgia Anglicana* (Staley's edit.), i. 3-10.

the punishment should be increased.¹ The Scottish statutes supply no hint as to what abuse of the water was feared. Here, however, happily some English statutes of the period come in to afford us some light. The Provincial Statutes of St. Edmund of Canterbury (A.D. 1236) direct the fonts to be kept locked *propter sortilegia*,² implying that there was danger of the water being employed for some superstitious purpose connected with conjuration or magical arts.³

The importance of the custody and control of the font being in the power of the priest is indicated in the ceremonial sometimes followed in giving possession of a church. Thus in 1527 a priest is put in possession of the church of Kilmarnock by the delivery to him of the door-key, chalice, missal, vestments, and of the lock of the font (*seram fontis*).⁴

The chrism and the reserved host were similarly to be kept under lock and key.⁵

The water in the font was to be kept for seven days only after a child had been baptised in it.⁶ The Sarum Manual is less precise, but directs that the water should be renewed frequently (*saepe*), lest the water should become foul (*propter aquae corruptionem*).⁷ Doubtless the reason why fresh water was not placed in the font whenever there were children to be baptised lay in the fact that it was required that the fresh water should be blessed; and this part of the service, the *Benedictio Fontis*, including a rather long litany and other prayers, with the ceremonial addition of oil and chrism to the water, would occupy much time. The ceremonial of the medieval Church does not come within the scope of the present work. But it is right to say something of the 'chrysoms' or chrism-clothes, for they formed a not unimportant perquisite of the parish church.⁸ Immediately after the last of the three immersions of the child the priest made the sign of the cross on the child's head with his thumb, which had been smeared with the

¹ *Stat. Eccl. Scot.* ii. 30.

² Wilkins' *Concilia*, i. 636.

³ Lyndwood says the fonts were to be kept locked 'ut aqua servetur munda, et ne laicis vel aliis ad aquam ejusdem pateat accessus *ad aliquam nefariam excercendi*.' *Provinciale*, iii. 24.

⁴ *Regist. de Cambuskyn*.

⁵ *Stat. Eccl. Scot.* ii. 30.

⁶ *Ib.*

⁷ The York Manual directs 'Infans in fontem si stercoret ejice lympham. Si tantum mingat non moveatur aqua.'

⁸ 'Chrysoms' are entered as forming a part of 'the valew and stynt' of the benefice of St. Magnus, London Bridge, in 1494. Maskell's *Monumenta Ritualia* (2nd edit.), i. 27.

chrism, or, as it was called in old English, the 'cream.' After this a white linen cloth was wrapped round the head and body of the child, the notion being that the cloth retained the unction and prevented it being rubbed off. This was the *pannus chrisimalis*. The Scottish statutes agree with several English statutes of the thirteenth century in directing that the chrism-clothes after they had served their purpose were to be brought back, and given for the use of the church.¹

The Scottish vernacular name for this cloth was the *cude*²; and in Spottiswoode's account of the baptism of James VI. at Stirling we read that Lord Semple carried the *cude*.³

The Scottish statute which we are considering, doubtless to secure for the church a continuous succession of chrism-clothes, enjoins that when they had been brought back to the church they should not be given at request or for a consideration (*prece vel precio*) to be used at another baptism.⁴

The possession of a font was a characteristic of a parish church. Private chapels, and, generally, chapels of ease, and (except by special privilege) the churches of the monasteries were forbidden to possess fonts.⁵ Hence the term 'baptismal church' is of very frequent occurrence in the sense of a parish church.

Within the church laymen were forbidden to enter the chancel or to stand or sit among the clergy when the service was being said; but an exception is made for knights, barons, and the founder of the church.⁶ In another statute of the same century

¹ 'Panni Chrismales non nisi in usus ornamentorum ecclesie convertantur.' S.E.S. ii. 31. This ordinance agrees with those of the Council of Durham (sometime between 1217 and 1226) and several other English ordinances. See Wilkins' *Concilia*, i. 576, 636, 656, 688, 705, and ii. 132.

² See Archbishop Hamilton's *Catechism* (Law's edit.), p. 192.

³ *History* (edit. 1655), p. 197. One cannot say whether it is merely a misprint or an attempted emendation, on the part of the editor, of a word he did not understand, when we find in Bishop Russell's edit. (1851) the word 'rude' substituted for 'cude.' Vol. ii. p. 42.

⁴ There seems to have been no ritual objection to using the cloth again at another baptism. See the *Sarum Manual*, which expressly permits its use on a second occasion. Maskell's *Mon. Rit.* i. 26.

⁵ The prevailing rule as regards private chapels was that they could not be erected without the bishop's license, that the chaplain should take an oath of fealty to the rector or vicar of the parish, and that all the offerings made in the chapel should go to the parish church.

⁶ *Stat. Eccl. Scot.* ii. 46.

the exception is limited to the king and the magnates of the kingdom (*majoribus regni*).¹

The churchyard was to be enclosed and protected from the intrusion of animals. The cost of the enclosure was to be borne by the parishioners, except for the part adjoining the chancel, which was to be paid for by the rector, though where the custom existed even this part was to be made by the parishioners.²

We find legislation aimed at the preservation of the church and churchyard for sacred purposes. The church was doubtless felt to be a convenient place in which to hold the court of barony, when often no other building of considerable size was to be found. Hence it was necessary to forbid the holding of secular courts by laymen in churches or cemeteries.³ Another ordinance is more specific; secular causes were not to be tried there, especially those which might be followed by a sentence involving the loss of life or limb.⁴

A curious picture of the manners of the day is presented by the thirteenth century statute forbidding under the highest ecclesiastical censures having wrestling matches or sports in churches or cemeteries on festivals.⁵ Again, we find another statute prohibiting dances or lascivious games in churches or cemeteries.⁶ It is to be remembered that the nave of the church was not filled with seats, as in more recent times, but was commonly an open space where the worshippers stood or knelt; and a very ready floor for a dance would be supplied by the smooth flags with which it was commonly paved.

It is only justice to Scotland to say that the prohibition of dances and wanton sports in cemeteries is borrowed almost word for word from the Constitutions (1223) of Richard Poore, bishop of Salisbury, enacted for his diocese in the extreme south of England.⁷ Still, as has been pointed out by Mr. Joseph Robertson, there was need of some restraints in the northern kingdom. There was bull-baiting in the churchyard of Kirkcudbright on St. Cuthbert's day, 1164.⁸ While in Easter-week in 1282 the churchyard of Inverkeithing in Fife was a scene

¹ *Stat. Eccl. Scot.* ii. 42.

² *Ib.* 53.

³ *Ib.* 42.

⁴ *Ib.* 38. The latter statute is borrowed from the Sarum Constitutions of 1223. Wilkins' *Concilia*, i. 600.

⁵ *Ib.* 40.

⁶ *Ib.* 38.

⁷ Wilkins' *Concilia*, i. 600. But it is to be noted that the Scottish statute adds the word 'churches' to 'cemeteries.'

⁸ *Reg. Dunelm. de Cuthberti virtut.* cc. lxxxiv, lxxxv.

of dancing, preceded and followed by such abominable obscenity on the part of the parish priest that one can only imagine that he was drunk, or not in his senses at the time.¹ As late as 1503 we find Parliament forbidding the holding of markets or fairs within churches and churchyards under pain of escheat of goods.² It is a mistake to suppose that the middle ages were characterised by any specially marked veneration for sacred things.

Such were some of the attempts made by ecclesiastical and civil legislation to preserve and foster the sentiment of reverence for the house of God, and to secure its sanctity.

We may now turn to consider one of the most cherished privileges of the parish church, namely, the temporary protection which it was allowed to afford to those who fled to it from the pursuit of persons who were smarting under some real or supposed wrong. They might be criminals or they might be wrongly suspected of crime; but all were alike given a temporary defence against the passion of revenge. Every baptismal church and every church possessing the right of sepulture (this would include most monastic churches) enjoyed this privilege.

Apparently in all cases protection was to be secured to the fugitive until the bishop or his official gave formal sentence that the offence alleged belonged to a class which was exempted from protection. It is thus, as I understand it, that the following statute is to be interpreted: 'Of the immunity of churches: We ordain that those who flee for protection to the church shall be defended by the same unless they be pillagers of fields by night (*nocturni depopulatores agrorum*) or public and notorious highway-robbers (*predones viarum publicarum*) or manifest violators of churches or church-breakers, or those who have been excommunicated *a canone vel ab homine*. In which cases they are still to be defended until the Diocesan or his Official shall have formally (*sentencialiter*) pronounced that they should not be defended.'³

Mr. Joseph Robertson has called attention to the fact that there exists a secular ordinance of Scottish origin, but of 'unascertained date,' expressed in almost identical language.⁴ But he has failed to observe that the language of both the secular and ecclesiastical law is drawn from one of the Decretals of Gregory IX.

¹ See *Chronicon de Lanercost*, p. 109.

² *Act. Parl.* ii. 245, 252.

³ *Stat. Eccl. Scot.* ii. 18.

⁴ *Act. Parl.* i. 752.

This Decretal may possibly have claimed special attention in Scotland through the fact that it is the response of the Pope (Innocent III.) to an inquiry of the King of 'Scotland' (*Scotiae*). The rescript is assigned to 'about 1212.' It is not improbable that neither the canonists nor civilians of the day in Scotland were aware that the 'Scotland' meant was Ireland.¹

The Canon Law extended the privilege of protecting criminals to churches 'in which the divine mysteries are celebrated,' although such churches are not yet consecrated.² In Scotland where, as we can infer from the pages of the so-called Pontifical of David de Bernham, so many churches remained long unconsecrated, this privilege was of much practical importance.

I do not recollect having met in our Scottish records any notice of the length of time during which the fugitive in Scotland was entitled to protection from the parish church. In England it was forty days; and before the expiry of the forty days a fugitive guilty of felony might, while under the protection of the church, take an oath 'to abjure the realm,' *i.e.* to quit the country, and not return without the king's license. But, though the length of the period during which protection was afforded in parish churches is not specified, it is plain from certain Scottish statutes that protection was extended for some considerable time, for we find a statute of the diocese of Aberdeen (thirteenth century) forbidding the removal of provisions intended for the sustenance of such fugitives, or besieging them by surrounding the walls.³

In another statute, assigned also with probability to the thirteenth century, we find it ordained that 'in every baptismal church (*i.e.* every parish church), and in every church where there is sepulture, there shall be secure asylum (*refugium*) for everyone to whom it is conceded of right, in the cemetery for thirty paces round.'⁴ The Aberdeen statute, referred to above, may be illustrated from certain *Gravamina* set forth by the English bishops about the year 1257, among which we have

¹ See the Note in the edition of the *Corpus Juris Canonici* by the brothers Pithaeus (*Parisiis*, 1687), vol. ii. p. 198. The king was the King of Connaught. See *Cal. Pap. Reg.* (Letters), i. 9.

² *Decret. Greg. IX.* lib. iii. tit. xlix. 6.

³ *Stat. Eccl. Scot.* ii. 37. In England it was recognised that fugitives should be permitted without molestation to relieve the wants of nature outside the walls of the church.

⁴ *Stat. Eccl. Scot.* ii. 46.

the complaint that when a fugitive had sought the protection of a church, the burial-ground or the steps of the church were surrounded by persons on guard, so that it was scarcely possible to supply the fugitive with the food necessary to support life.¹

The difficulties sometimes experienced in giving effective protection to fugitives is well illustrated by a narrative related by Bower in his additions to Fordun.² When the castle of Edinburgh was in the hands of the English in the time of Edward III., one of the officers of the English garrison was killed in the city by a Scot named Prendergast. The deed was prompted by a desire for revenge on account of a real or fancied insult. Prendergast succeeded in flying to the Abbey of Holyrood, and claimed asylum by ringing the bell, 'as the custom is.' Failing to get admission into the chancel, which at the time was closed, he entered the chapel of St. Augustine, and was speedily discovered by his English pursuers on his knees before the altar. The English placed a guard upon the chapel to prevent the entrance of food, and, apparently from outside the screen of the chapel, attempted to keep the fugitive from obtaining any sleep by prodding him with spikes fastened to long sticks. How the monks let down food to him from above, and how his escape was eventually effected makes an interesting story, for which we must refer the reader to the original, as it is not pertinent to our inquiry.³

Passing from the privilege of the baptismal church, and the church possessing the rights of sepulture, something remains to be said of the special privileges of those places possessing what was known as the rights of 'sanctuary.' In Scotland, as in England, the privilege of sanctuary seems to have been based in each case on a special grant from the Crown, or at least on the recognition by the Crown of an ancient and well-established custom. The king, to do honour to some favoured church, or to show his devotion to some particular patron saint, would confer the privilege of sanctuary.

Lands around a church enjoying the special privilege of sanctuary, as distinguished from the ordinary privilege of every parish church, were often of very considerable extent. They were known as the 'girth' or 'grith'; and its limits were commonly indicated by the erection of stone crosses, or of stones marked

¹ Wilkins' *Concilia*, i. 727.

² *Scotichron.* lib. xiii. cap. 42.

³ It is questionable whether at this date Holyrood possessed any *special* privilege as sanctuary.

with a cross. David I. in 1143 granted to the monks of Kelso the ancient church of Lesmahago in Clydesdale. Lesmahago, which appears to have been an early foundation of Celtic Christianity, had long enjoyed the right of sanctuary, and its girth was marked by four crosses. In his charter to Kelso the King says: 'Whosoever, to escape peril of life or limb, shall flee to the same cell,¹ or within the four crosses which mark the bounds, to them I grant my firm peace, out of the reverence I bear to God and St. Machut.'²

At Tain, the venerated shrine of St. Duthac, there was also a girth, marked by four crosses.³ It is not very long ago since the crosses that marked the girth of Dull, in Atholl, were removed. And one or more of the stones bearing the cross of St. John still remain, it is said, to mark the ancient extent—a mile in every direction—of the girth of the Preceptory of the Knights of St. John of Jerusalem at Torphichen, in Linlithgowshire. Similarly a mile on all sides was the extent of the girth of the English sanctuaries of Hexham, Beverley, Ripon, and St. Edmundsbury. At Applecross in Ross-shire, like Lesmahago, a sanctuary of the Celtic period, renowned as possessing the remains of St. Mael-rubha, a martyr, who suffered at the hands of the Danes, the girth extended to six miles round the church.⁴ I have not met with any notice of Holyrood having privileges of sanctuary in medieval times. I am inclined to think it owed the privileges of later days to its having become a royal residence. But I must not allow myself to be drawn to discuss the interesting questions connected with sanctuary derived from the connexion of any place with the monarch.⁵

There was a famous sanctuary at Wedale (St. Mary's Church at Stow, near Galashiels), a place rendered peculiarly sacred on account of its possessing what was supposed to be a figure of the

¹ Lesmahago, then a 'cell,' or dependency of the Abbey of Kelso.

² *Liber de Calchou*, p. 9. Ecclesia Machuti is the title by which the place was known, and it seems to have been corrupted into Lesmachute. St. Machutus was supposed to be a companion of St. Brendan on his voyage to the Orcades.

³ As late as 1681 the bailiary of Tain was 'within the four girth crosses.' *Act. Parl.* viii. 386.

⁴ *Breviar. Aberdon. pars estiv.* p. xc, b.

⁵ Halkerston's *Treatise on the history, laws, and privileges of the Palace and Sanctuary of Holyroodhouse* supplies no evidence on the origin of the right of sanctuary attaching to the Abbey. It is scarcely possible that if the Abbey enjoyed any special privilege of this kind in the middle ages all evidence on the subject should have perished.

Virgin brought from the East by King Arthur. And, according to Dr. Stuart, 'there existed a well-known road to the sanctuary of Stow, across the hills, called the *Girthgate*.'¹ Sanctuary was also the privilege of the church of St. Baldred at Tynninghame in East Lothian. Sanctuary was granted to the church of Inverleithan in the county of Peebles by Malcolm, the Maiden; and the grant has a certain historical interest on account of the reason assigned by the King for the honour thus conferred. Malcolm's charter in the Kelso Cartulary declares that in the church of Inverleithan the 'body of my son rested on the first night.'² Lord Hailes long ago made use of this charter to explode the fiction that the name of the Maiden bestowed on Malcolm IV. was on account of his perpetual chastity. Inverleithan was to possess 'in omni suo territorio' as full a privilege of asylum (*refugium*) as was possessed by Wedale or Tynninghame.³

There were several sanctuaries of lesser note. Fordun mentions four such in his chapter on the islands of Scotland (lib. ii. cap. 10). Sanctuary existed, according to this writer, at Hy Columbkille, at Helant Macarmyk, at Aweryne, and at Helant Leneow. Mr. W. F. Skene proposes as identifications for the last three places named, Eilean-more, Sanday, and Eilean-na-naomh.⁴ On this matter Fordun may be trusted. But one hesitates to accept all the claims for the possession of the privilege that have been put forward on behalf of various other places in the Western Highlands and Islands. In some cases certainly there seems to be no evidence beyond local tradition; and nothing would be easier than to confuse the common rights of every parish church with the special privileges of sanctuary.⁵

On the other hand, it must be admitted that in the wild days of Celtic Christianity there would be a more frequently pressing need for protection being afforded to fugitives.⁶ The famous

¹ *Sculptured Stones*, ii. p. lxvii.

² *Liber de Calchou*, vol. i. p. 22.

³ See Hailes' *Annals*, vol. i. p. 129.

⁴ Skene's edition of Fordun in the *Historians of Scotland*, vol. ii. p. 39.

⁵ The following places are alleged to have been sanctuaries: Kilmonivaig (near the modern Fort Augustus); Kingarth, in Rothesay; Lismore, the cathedral of Argyll; Kilcomkill, on the Sound of Mull; Kilmoluag, in the island of Raasay; Kilmuir, in the island of North Uist. And other names could be added. See *Origines Parochiales*, vol. ii. under the various names.

⁶ See Lib. xxviii. *De civitatibus refugii* in the ancient collection of canons of the Irish Church, printed by Wasserschleben in his *Die irische Kanonensammlung*, pp. 111-116.

‘Cross Macduff’ in Fife, near Newburgh, about one-third of a mile from the boundary of Perthshire, seems to have been an ancient tribal sanctuary; and a very peculiar survival of the ancient and recognised custom of affording protection to those who could claim kin to Macduff lingered long. The subject has been dealt with by Dr. John Stuart, with his usual fulness and accuracy in the Preface to the second volume of his *Sculptured Stones*.¹

The Abbey of Dunfermline, it has been supposed, possessed the rights of sanctuary, but the evidence does not appear to me to be quite conclusive that its right of affording asylum was other than that possessed by other churches having the right of sepulture.²

As regards the protection afforded to fugitives, whether in parish churches or in privileged sanctuaries, it would be a mistake to suppose that all the evils which, it is obvious, would attend such immunities in a settled and well-organised system of government such as we now enjoy, were consequent upon these church-rights in an age when the administration of justice was carried on with all the imperfections that attended the local courts of those tenants holding their lands in *in liberam baroniam*, or even of the lords of regality. It is obvious that a feudal superior administering justice among those who stood to him in the relation of vassals, whose interests often came into collision with his own, must at times have been prejudicial to equity. Revenge is not always ‘wild justice.’ And animosity and prejudice, short of the spirit of revenge, is not wholly unknown even in modern times among the occupants of the magisterial bench. ‘Justices’ justice’ does not, even now, always command respect. Certainly in barbarous or only half-civilised regions there must have been many cases when the immunities of parish churches and of sanctuaries served a beneficent and useful purpose. If nothing else, they made men pause, and gave time for the first flush of passion to subside. A distinguished student of history, whose sympathies are not ordinarily with the institutions of the medieval church, Henry Hallam, speaking of the rights of sanctuary, observes: ‘Under a due administration of justice this privilege would have been simply and constantly mischievous, as we properly consider it to be in those countries

¹ Pp. lxvi-lxxvi.

² The evidence may be seen in Stuart’s *Sculptured Stones*, vol. ii. p. lxvii.

where it still subsists. But in the rapine and tumult of the middle ages the right of sanctuary might as often be a shield to innocence as an immunity to crime. We can hardly regret, in reflecting on the desolating violence which prevailed, that there should have been some green spots in the wilderness where the feeble and the persecuted could find refuge.¹

The rather scanty information supplied from our ecclesiastical records receives some valuable additions from the remains that have come down to us of early civil legislation. Some of these particulars may be given in a slightly abbreviated form.² In the Statutes (A.D. 1230) of Alexander II. we find enacted (1) of thieves and reifers (*raptoribus*) that if any of them flees to the church, and there penitently confesses that he has grievously sinned, and declares that for the love of God he has sought God's house for the sake of safety (*pro sua salute*), he shall have [the King's] peace in this manner. He shall lose neither life nor limb, but shall restore whatever he has dishonestly taken, and shall pay the King's mulct (*emendam*) according to the law of the land. (2) Moreover he shall swear on the Book of the Gospels that for the future he will never commit robbery or theft. (3) If, however, he is unable to pay his due to the King (*i.e.* to pay his mulct) let him fulfil the rest of the points aforesaid, and in the same peace pass forth of the realm until he shall be reconciled to the King. (4) Furthermore it was enacted that if anyone accused of theft or robbery fled to the church, saying that he had fled to the church because he feared the exercise of over-hasty power (*potestatem temerariam*), and that he wished to prove his innocence, and purge himself according to the law, let him go in peace to the court of our Lord, the King, and there let him find borghs and pledges (*fidejussores et vadimonia*) to him by whom he has been accused, according to the custom of the realm. And if he shall purge himself according to the law of the realm let him abide in peace. (5) But if he shall be justly and legally convicted of the crime of which he has been accused, let him undergo the penalty due to such offence according to the law of the realm. (6) But if any of these flee to the church professing his innocence, and his inability through poverty to find borghs or pledges, he shall purge himself in any place that shall seem safe and suitable in the opinion of the King or the Bishop. If he is found

¹ *View of the State of Europe during the Middle Ages*, vol. iii. p. 302.

² The provisions of the Act in its Latin form seem to apply to parish churches in general rather than to the more highly privileged sanctuaries.

innocent, let him abide in peace ; and if he is found guilty, let him undergo the sentence that is due. (7) Moreover homicides, and such as have broken their fealty to their feudal lords (*traditores dominorum suorum*), and those who have been accused of murder, or breach of fealty (*traditionem*), let them be lawfully accused, and if the accused flee to the church let the prescript law be observed.¹

From the Statutes (1371) of Robert II. a manslayer is bound, after being duly summoned, to come forth from the immunity of the church in order to have the question legally decided whether his offence was murder and forethought-felony, or only homicide by chance-medley (*per chaud-melle*). In the former case he was to be banished the country for ever ; in the latter he was to be restored to the protection of the Church. The Church's claim to protect the criminal from capital punishment was thus respected.²

In the Parliament of James III. in 1469 it was enacted that when the committer of slaughter, trusting in the immunity of 'halie Kirk and Girth,' fled to a sanctuary, the Sheriff was to come to the Ordinary, or, in places exempt, 'to the maisters of the Girth,' and inform them that such a man had committed such a crime on forethought-felony, 'for the quhilk the lawe grantis not, nor leavis not sik personnes to joyis [enjoy] the immunitie of the Kirk.' The Sheriff is to require the Ordinary to grant an enquiry 'on fifteen days' by an assize whether it be forethought-felony or 'suddantie' (the *chaud-melle* of the Statute of Robert II.). If it be found forethought-felony, he is to be punished according to the King's laws, while if it be found 'suddantie,' he is 'to be restored againe to the freedome and immunitie of halie Kirk and Girth.' Before the removal of the accused from the protection of the Church the Sheriff is to find good surety to the Ordinary or the master of the Girth.³

The law, however, as so laid down, was sometimes defeated through excuses of the masters of Girth, being 'spiritual men' (and so claiming exemption from the requirements of the law in this respect). For this reason it was enacted in 1535 that 'all Maisters of Girthes within this Realme make sufficient *responsal* men, Baillies or Maisters of Girthes under them, dwelland at the saidis Girthes or near therby.' These persons, not being ecclesiastics, if they failed to deliver up the accused according to the

¹ *Act. Parl.* i. 401.

² *Ib.* i. 548.

³ *Ib.* ii. 95, 96.

law, were to be rigorously punished, for their contempt, both in their bodies and goods.¹

In 1567 a Commission was issued to deal *inter alia* with the subject of those who 'pass to the horn and enter into girth.'² But this brings us beyond our limits.

¹ *Act. Parl.* ii. 348. In the Statutes (or *Assisae*) which claim to be those of King David, and which, whatever be their real origin, bear the stamp of antiquity, we find an enactment for the protection of persons craving the King's peace, whether in *Girth*, or elsewhere. If anyone raises his fist to strike the suppliant, and the offence be proved on the evidence of two trustworthy men, the offender shall pay four cows to the King, and one cow to him whom he would have stricken. If the blow is actually struck (but without effusion of blood) six cows are to be paid to the King, and two to the person struck. If blood is drawn, nine cows were to be paid to the King, and three to the person wounded. If death follows on the blow, twenty-nine cows and one heifer (*colpindach*) is to be paid to the King, and satisfaction shall be made to the relations of the dead man 'according to the assise of the land' (*Act. Parl.* i. 320). Mr. E. W. Robertson (*Scotland under her early Kings*, vol. i. p. 258) reads as in the Ayr MS., 'XX^{IX}' (that is 180) for 'XXIX,' for '180 cows (nine times twenty) were paid as *manbote* for homicide throughout Scotia.' The emendation, which had been previously suggested (see *Acts of Parliament*, i. 279) is probably correct. The term Girth-hoill or Gyrthol (see *Acts of Parliament*, i. 279) is spelt very variously in the MSS. Among the variants are Girthstoll, Gritstol, Gyrsil, and Gyrsyld.

² *Act. Parl.* iii. 30.

JOHN DOWDEN.

The Irish Parliament in the Seventeenth Century¹

IT is a painful task to review a volume whose writer has passed beyond all controversy : and it is the more painful in this instance, where the end was so swift, mysterious, and solitary. The sympathetic reader may see by Professor Dowden's preface that Mr. Falkiner has left behind him many friends whose loyal remembrance of him is heightened by the tragic close of all happy intercourse.

But though each one of us in turn must lay down our work in silence, it will be long before the problems of Irish history lose their importance for the living, or before those who remain may cease from the effort to penetrate its still hidden secrets and learn its authentic lessons.

This volume is not a laboured production. The most interesting paper is perhaps that on the descriptions of Irish scenery which Spenser has inserted in his 'Faery Queene.' An essay on the Duke of Ormond is slight—we might say exceedingly slight—as coming from the editor of the Ormond MSS. The study of Archbishop Stone is a more definite contribution to historical knowledge. In this, as in the papers on Sir John Davis and on parliamentary antiquities, Mr. Falkiner discussed the Irish Parliament from his well-known point of view. The Town studies are too trivial and inadequate to invite comment. If they were considered worthy of anonymous publication in an English weekly, it is, we hope, possible that Mr. Falkiner would not have desired them to be included in a permanent volume of essays.

In spite of some excursions into other fields, the main theme of the book is the form of the Irish Parliament, and the main hero Sir John Davis, as great an executive officer as any public

¹ *Essays relating to Ireland: Biographical, Historical, and Topographical.* By C. Litton Falkiner. With a Memoir of the Author by Edward Dowden, LL.D. Pp. xx, 249. Demy 8vo. London: Longmans, Green & Co. 1909. 9s. nett.

functionary who in any century has served the English Crown—so he is here introduced to us. The grounds of such a eulogy deserve examination.

It is true indeed that Mr. Falkiner seems to throw Davis overboard as a statesman.¹ It is as an exceptional administrator he holds him up to our admiration, and this on account of his three great performances—the extension of shires, the plantation of Ulster, and the creation of a parliamentary system which was to control Ireland till the Union.

Mr. Falkiner has preferred not to dwell on the plantation story, so that may be omitted here. He lays stress, however, on the 'energy and determination' of Davis in 'shiring' the north. The sheriff, 'pioneer of the laws of England' in his theory, was the first and oldest agent of civilization. Here we are thrown back on history. Davis himself is the first authority (he may have been following a sentence of Roger of Wendover) that we have for the statement, which has been so often repeated since, of the creation by John of twelve counties. Sheriffs of certain counties are mentioned from time to time in thirteenth century records, and a writ for Parliament about 1295 was addressed to ten sheriffs. But it is hard to believe in any important extension of their actual power in the thirteenth century, when we find an ordinance of that time that the 'counties' of Ulster, Meath, and Kildare should be separated from the 'county' of Dublin. As to the sheriff's position in Irish lands under Norman chiefs, we have some glimpses into the situation through what we know of the 'loyal' Ormond's territories of Kilkenny and Tipperary as late as the reign of Elizabeth. Mr. Falkiner does not help us to enquire into or test Davis' statement as to the earlier times.

A new kind of 'shiring,' however, had been started by the Tudors, which provided a ready-made model for the Attorney-General. Mary had practically begun it with the King's and Queen's Counties; the vigour of her methods could not easily be overpassed. Sussex and Sidney and Perrot had not been sparing of will: the terror of their work remained. They had stirring captains under them. Indeed, a fair study of the previous fifty years in Monaghan, Cavan, Fermanagh, and Leitrim, and the long disintegration of the unhappy border territories, may suffice to dim the lustre of Davis' achievement. The 'energy and determination' of this last labourer in 'shiring' the north

¹ Falkiner, p. 55.

scarcely seems to transcend ordinary merit, when we consider the battered land into which he entered—harried for the last half century by the armies of the ablest of English generals, broken into detached fragments by a protracted course of policy, sunk in destitution, already mapped and formally shired in great part by earlier governors.

The Act of 1613 in fact declared that at the suppression of Tyrone's 'rebellion' the Irish lands were 'so broken and reduced to obedience' that all the inhabitants bowed to English law. Mighty ploughers and reapers had been sent into that field of death, and the work of the gleaners was light. Davis followed a line of men as ruthless as himself, perhaps even more full of 'energy and determination' than this crafty man of letters and law. Even as an administrator the praise would seem to be overstrained. In any proportionate or methodical study of the Irish story his merit may be found to shine with most conspicuous glitter in the pages of his own partial record. Mr. Falkiner, indeed, seems to have concluded that the shiring of Ulster contributed in no small degree to the flight of the Earls, and he may have intended to vindicate Davis on that particular ground.

The great merit of the Attorney-General, however, is said to lie in the modern Parliament of Ireland. 'Though he did not say so, it was due to his exertions more than to those of any single individual that it had become possible to elect a representative Parliament in the sense of a Parliament, the constituencies of which embraced all the geographical and administrative divisions of the island. And not only was the Parliament of James in very truth the first in which every district of the country was directly represented, but it was the first in which representatives of Irish blood and Irish opinion had any real place.'¹ As a consequence it is assumed to be the first in which the king's servants were confronted by an anti-English opposition.² According to Davis, in the happiness of the time, and the importance of the causes for which the Parliament was called, it excelled all others. To illustrate this most important part of Davis' policy, the reform of the Irish Parliament and the devising of the system which was practically to last till the Union, Mr. Falkiner trusted to Davis' own 'singularly complete analysis' of parliamentary history,³ and with some simplicity was content to take him at his own valuation.

¹ Falkiner, p. 53.

² *Ibid.* p. 54.

³ *Ibid.* pp. 48, 52.

We know, however, that Sir John Davis was by no means impeccable in Irish history. The Attorney-General, moreover, was a poet and artist in words, and his oration as Speaker in 1613 was not the least of the evidences of his literary gift and practice. He had two objects in view. Knowing the character of James he had skilfully to play on his vanity by extolling his success above that of his predecessors. Nor was it an ungrateful task to magnify his Parliament by discrediting the efforts of earlier sovereigns; dexterous flattery of James I. for the illustrious events that thickened round his royal course must inevitably throw some of the glory back from the king upon his servant, the actual doer of the great deeds. The lustre of the Tudors had to fade before the bright conspicuous star that had now arisen, and in that brilliance the Attorney-General would have his share.

It is with some surprise that we observe Mr. Falkiner's willingness to accept Davis' view of his Parliament, deflected as it was by his natural partiality. We look in vain for any historical appreciation of the course of events that led up to the Parliament of 1613. The Attorney-General appears as fashioning his system out of chaos. 'He made the stars also.'

In the first place, in spite of the assumed completeness of the 'conquest' by James' early predecessors, the many shires and the beneficent sheriffs, we are told that under those feeble kings for 140 years, and for forty years after Edward I. had established effective representation in England, nothing more than *parlies* had been held, no Parliament with orderly summons and formal proceedings. So at least said Davis; and the statement was acceptable to James I. But what about the writs sent in 1297 (two years only after the first complete and model Parliament in England) to the sheriffs of ten counties and to five seneschals for a formal Parliament held under the Justiciar?¹ And what about other Parliaments in 1300, 1310, 1320, 1323, 1324, 1325, etc.? These seem to have been overlooked both by Davis and by Mr. Falkiner following him.² Might we not have expected from Mr. Falkiner some mention of facts so important? Is not this early period deserving of a more critical study—the period of the French States General, the Model Parliament in England, and the formal Parliaments of the Anglo-Irish in Ireland?

¹ *Misc. Ir. Arch. Soc.* 1846, p. 15; Berry, *Statutes*, p. 195.

² Falkiner, pp. 52, 196.

When Parliaments became ordinary and frequent (Davis continues his special pleading) they were only concerned with local business of the Pale and personal affairs of English settlers. His other view of the wide extent of the Pale does not agree with this particular theory of the pettiness of parliamentary business ; and here again we might plead for a more exact study, and a more scientific comparison of the facts than was suited to the immediate purpose of a political oration. In any case a glance at Berry's *Statutes* will enable us to judge of the importance and extent of legislation in the twelve Parliaments held between 1297 and 1394.

Davis, by profession and gifts an excellent advocate, does not see fit to mention that these merely Pale or Colonial Parliaments ended with that one which in 1537 declared 'the realm of Ireland' to be 'depending and belonging justly and rightfully to the imperial crown of England.' Henceforward the laws passed were to have a larger scope and become valid for the entire country. Mr. Falkiner's failure to discover the earlier Parliament of 1295 prepares us for the fact that he does not refer to this new development of the Tudor Parliaments. While the omission was in keeping with the scheme of Davis, it ought not to have escaped the notice of the critical historian. Without a survey of the Tudor government we can have no measure of the historic position of Davis' Parliament. Its importance, lifted up as an isolated landmark, has here been exaggerated.

Henry's Parliaments of 1537 and 1541 may be said to have contained the germ of all English parliamentary policy in Ireland till the Union. The Upper House was dominated by the king's bishops and by the new peerages specially created by the king ; the Lower House by the packing of borough members. An appearance of representation and free debate could thus be maintained with absolute control from London.

Where other labourers had planted Davis reaped. His first 'reform' was to terrorise the assembly and mark its entire subservience by ordering it to hold its debates in the Castle, surrounded by extra troops of soldiers. It was a 'scarcely tenable' objection, to quote Mr. Falkiner,¹ that members should urge, as the mayor and corporation of Dublin had urged seventy-five years before, in 1538, that the king's honourable Parliaments and Councils were kept at the Cathedral Church of the Blessed Trinity of the king's city of Dublin, which stood in the midst of

¹ P. 48.

the city like S. Paul's in London. Do we understand that it was a 'scarcely tenable' right of a 'reformed' Parliament still to cling even to the appearance of free deliberations? Their objection to a room immediately over the stores of powder and ammunition was also mocked at, though in fact all these apartments were within a very few years wholly wrecked by an accidental explosion.¹ Otherwise there was not anything obviously striking or original in the gathering of 1613. The great state of the opening ceremony is not claimed as a 'reform.' Probably Davis did not rival the deputy Perrot in the magnificence of this scene. Nor were the stormy scenes that followed a reform. These scenes, indeed, and their causes, had marked every previous Parliament since 1537, and before it.

The structure, however, of the Parliament was new, so we are told. It was for the first time representative of the whole of Ireland. Every district was represented, all Ulster and Connacht being now called in, as well as Munster and Leinster; and for the first time '*representatives of Irish blood and Irish opinion* had any real place.'² Also, mainly by creation of new boroughs to counter-balance the counties, the assembly was rather more than doubled in size. The 'representative' character of the Parliament, moreover, was shown by the first appearance of a genuine opposition, since now for the first time the king's servants were confronted by an anti-English opposition. Its legislation was said to excel in value all that had gone before.

We may observe that the extension of shires, the violent fetching in of districts in Ulster, was only the last stage in a work nearly a hundred years old. This was true also of the manipulation of boroughs, so as to neutralise the old Anglo-Irish county members 'predominantly patriotic in feeling.' A steady increase of numbers had always naturally followed on the successive plantations of Munster and of Ulster, and on the political use of the boroughs by the Crown. The introduction in a tempered and guarded way of men of 'Irish blood and Irish opinion' had formed part of the Tudor policy since Henry VIII. Davis worked on the same lines as the officials before him, adding new shires, and making boroughs to control the shires; this last, indeed, on a larger scale than had yet been done. He boasted in words of giving 'the new British colony and the old Irish nations' equal and indifferent rights to make laws for themselves: in deeds he adopted the common official measures to annihilate

¹ Falkiner, p. 205.

² *Ibid.* p. 53.

any constitutional expression of the opinion of either. In the safeguards to prevent the will of the nation, Irish or Anglo-Irish, from having any effect there was nothing new: he merely furbished up the old Tudor methods, so well known to Ireland. His profession fitted him to elaborate the 'constitutional' methods by which the 'representative' system, piously permitted in name, should be defeated in fact. Parliamentary government remained as complete a fraud as it had been any time the last hundred years.

The legislation, moreover, of 1613 was in importance far below that of the successive Tudor Parliaments. In one point, indeed, it was similar, and the confiscation of Ulster to prepare the way of plantation was merely the last of a series of Acts of forfeiture begun in 1537, and continued in 1541, 1556, 1569, and 1585. Here there was nothing new. The 'great administrator' of 1613, in fact, put the corner-stone on an old edifice of corruption and tyranny. The novelty lay in a more cynical use of force. The Attorney-General's new and original reforms were the sessions in the Castle, and the overawing of the 'representatives' of the people by the army.

Davis' parliamentary system, the seal of his 'great administration,' had certain foreseen and designed effects. We need not go beyond those admitted by Mr. Falkiner. It permanently fixed in Irish ecclesiastics a civil power which was not allowed in Great Britain,¹ and the disposal of ecclesiastical patronage became so important an element in the scheme, not of religion but of English domination,² that the Church was kept as a mere servant of the ministerial interests in the House of Lords,³ and did in fact completely manage that House for its masters—a bitter heritage to both Church and Nation. The Lower House was expressly put 'at the service of the Government'⁴ by skilled manipulation both of the county and of the borough members: means were thus prepared to defy and defeat those national aspirations which, in Mr. Falkiner's view, were now beginning to find 'organised constitutional expression.'⁵ Representation of 'Irish thought and opinion' was so managed as to detach the members completely from the 'patriotic' movement.⁶ Effectual provision was made to keep the opposition always few in numbers, and powerless to resist the administration.⁷ Whatever money

¹ Falkiner, p. 87.

² *Ibid.* p. 95.

³ *Ibid.* p. 96.

⁴ *Ibid.* p. 97.

⁵ *Ibid.* p. 54.

⁶ *Ibid.* p. 113.

⁷ *Ibid.* p. 98.

was in the Treasury was held to be the absolute property of the king to do what he liked with, independent of Parliament. 'Any measures' of the administration were justified which, at whatever national cost of virtue, religion, or industry, maintained the constitutional dependency on England in its external and mechanical sense. 'The king's business was indeed carried on, "that is, the money bills were passed, and the chief governor gave wine to the men and fiddles to the women as usual."'¹ It was as well known to the Stuarts as to the Tudors how to make the word of promise to the ear and break it to the hope. However England might boast of its struggles for free discussion and control of affairs by Parliament, the Houses in Dublin were from the outset signed with the mark of corruption and death.

To Mr. Falkiner it is 'not a little curious' that the man who was founder (as he considered) of this system 'stood for all that was most objectionable to the Irish leaders of that day.' We cannot share his wonder. The organiser of such a Parliament can have no high place in a people's regard. His system failed, as all systems fail when confronted with the strong spirit of a country. But its essential weakness remained, and when it ceased to do English work, its end was near. The dead hand of Davis was still heavy on Ireland.

Whether it was a bold expedient, or only a base one, to contrive a Parliament technically representative of the whole Irish nation without distinction of race, but actually subservient to the will of the English Council, this, we are told, may be controverted.² 'Let us learn from Machiavelli,' said the old Elizabethan adventurers in Ireland. Their doctrine is still in fashion. It lives in unabated credit. It is given to few to accept the divine authority of justice and veracity, to repudiate the devices of treachery, and to believe in any sincere sense that truth exalteth a nation.

There is another question relating to Parliament which is worthy of treatment less superficial than is given to it in Mr. Falkiner's essays—the question of Poynings' Law. This law ordered that all Irish Acts should be prepared in Ireland, and sent over to England, to be returned to the Irish Parliament for discussion, bearing the Great Seal of Ireland and of England. Every deputy under the Tudors proposed the repeal of the Act, and the hottest fight of every Parliament of the sixteenth century was to prevent that repeal.

¹ *Ibid.* p. 92.

² *Ibid.* p. 55.

Mr. Falkiner was struck by the problem, and offered some explanations of the parliamentary attitude. The Act, he said, meant absolute subservience to the Parliament at Westminster, but 'Irish opinion still looked to the law of Poynings as the one effective weapon of defence against unpopular measures.' It was on 'patriotic' grounds they refused to abrogate a statute so humiliating.¹ They had voluntarily put a bridle in their own mouths, but they strenuously resisted its removal,² not only acquiescing in the law, but desiring it. And all this time the Commons were faced with the fact that the law they refused to repeal reduced them to 'legislative impotence.'³ The main reason suggested for their singularly irrational action is that the inconvenience the law occasioned to the English Government gave it a 'corresponding popularity with the anti-English element in the Irish Government.'⁴ The conclusion would seem to be that (the Parliament being an English one) the atmosphere of the island so contaminated English settlers that they exchanged reason for fantastic inconsequence; that the people in Ireland, unlike all other peoples, obstinately preferred to have their legislation made for them in England; and that the mere fact of any course of conduct being proposed by the governor sent from England was in itself reason enough to rouse them, against their own most obvious interests, to furious opposition.

The facts do not bear out this general theory of unreason, nor need we assume that Irish wilfulness must ever remain inexplicable, characteristic of that island alone.

The Irish Parliament, indeed, seems to have displayed judgment and good sense. It never faltered in its conviction of the supreme necessity of law and recognised order as a safeguard to any liberty. While Poynings' Law was originally designed to enforce the subservience of the Irish Parliament to England, it yet held provisions which were a protection, so far as they went, from arbitrary tyranny, and all the disputes refer to these provisions. It was not that the Irish Parliament ardently desired that every law should be first sealed in Westminster before coming to them; but at least the fact of necessary discussion before the Great Seal of Ireland was affixed, and again the Great Seal of England, gave some guarantee for due consideration, and for saving the House from sudden and unexpected laws being sprung upon it by an arbitrary Executive, and rushed through by a packed majority. The battle of the Anglo-Irish was for the

¹ Falkiner, p. 218.² *Ibid.* p. 219.³ *Ibid.* p. 217.⁴ *Ibid.* p. 213.

security of law, even of Poynings' Law, as against the mere will of the Executive, unchecked by any control of law or custom. This was the great struggle of the Irish Parliament of the sixteenth century, and no lesser or more trivial motive can be urged.

We might take, for example, the conflict in 1537 in the matter of the king's supremacy; that desperate effort to prevent bills being drawn up at Westminster under the Great Seal of England, and sent over by Commissioners to be passed, apart from the Great Seal of Ireland, or any discussion at home. Such an infringement might be very convenient to the English Government, but it was certainly no mere quarrelsome temper that led an Irish Parliament to oppose it.

A further dispute under Mary was whether Poynings' Act allowed that new statutes should be sent to London after the session had opened. Here again the object of the Parliament was to secure full rights of discussion in Ireland.

In 1569 the Lords explained their contention that no Parliament should be summoned and no Act treated of in Parliament, without being first certified under the Great Seals of Ireland and England: when Governors had liberty to call Parliaments at their will, they said, and introduce Acts at pleasure, laws were passed to the dishonour of the Prince and the hindrance of the subjects. It is evident that what the Houses had in mind was the danger of casting aside all law whatever, and allowing the Executive uncontrolled licence to call Parliament suddenly, and surprise it with laws prepared in secrecy.

In 1585 the deputy's demand for another repeal of the Act showed his power at its highest usurpation. Perrot apparently desired arbitrary powers to force through legislation opposed in Ireland and disallowed in England. 'The stirrers of the Parliament and the lawyers' accused the deputy of proposing repeal so as to bring in English laws against the recusants, and require the oath of supremacy as a test of the fidelity of Parliament. This policy was repudiated by the Queen, and in this case, therefore, Perrot had perhaps desired to escape from the necessity of having either of the Great Seals affixed beforehand to his proposed legislation.

In new questions raised of land confiscation and of taxation a further guarantee was found in Poynings' Act. Some Pale patriots in 1537, when the great Forfeitures began, 'moved and stirred' arguments from its provision that all laws must be for the king's honour and profit, *and* the good of the Commonweal;

and suits were even instituted in the Courts. The Executive, therefore, brought in a special statute of exposition of Poynings' Law that all Acts made in that Parliament *either* for the king's honour, *or* the increase of his revenue and profits, *or* for the Commonwealth of the land, should be held good, any Acts to the contrary notwithstanding. This was held to refer to one Parliament, and Poynings' Act was rehearsed later in its old form—a patriotic effort to enlarge the idea of legislation beyond the king's profit to embrace the national well-being.

It is of little value to discuss the occasions when Poynings' Act was rejected without at the same time examining into the special legislation proposed. This is too long a matter to open here, but it may be briefly said that in general these were cases of land legislation or of rights of taxation, of a very far-reaching kind and of special political significance. There were powerful forces from Ireland at Elizabeth's Court which had sufficient influence there to wreck certain proposals of the deputy, and the importance to the Irish interest of Poynings' Act during the life of the Earl of Ormond needs a study which has not yet been given to it.

Mr. Falkiner's book forms one more in the list of Colonial Histories of Ireland. In the first of these records of the colonists' views, the *Calendars of State Papers* from 1171, we see a country of vacant lands to be occupied by Englishmen. We might almost think no other human being had set foot there—at the most some savages, who scarcely deserved the name. The sole history thenceforward becomes the history of the English colonists. Any other race only emerges to be banished, exterminated, or suppressed. The same view is prominent in this volume eight centuries later. All law is by hypothesis designed for the benefit of the Government, never for that of the subject. The fortunes of the last English planters and English dominance are the single theme. If by a rare chance any other inhabitants are referred to, it is in the brief stereotyped phrases to which our ears have grown so accustomed, 'the lawless banditti who commonly formed the bodyguard of an Irish chief'; the pains of the Crown 'in applying English law to Irish lawlessness';¹ the picture of the north down to the very end of the sixteenth century as having 'preserved all the primitive characteristics of the scarcely more than nomadic civilisation of Ulster';² and of Hugh of Tyrone as looking on the onward march of English institutions

¹ Falkiner, p. 39.

² *Ibid.* p. 44.

with feelings not very different from those of the 'aborigines of the American continent.'¹ Mr. Falkiner, in fact, here shares the view of a medieval official or a Jacobean planter. 'So little difference,' to use his own words, 'have three centuries wrought in Ireland, so perennial are the problems that at recurring periods compel the attention of English statesmen.'²

History written on these lines is commonly termed 'impartial,' a word which has now almost acquired a technical meaning. There is no doubt, however, that this form of history tends to lack permanent interest. We miss the clash of vital principles. The sphere becomes contracted and dull. The story is only too liable to fall into a kind of sublimated gossip of Dublin colonists—who is bribed, who is troublesome, and who cowardly, who can be lured to betray his country. Round and round goes the talk of the ante-chamber. All problems and principles are brought to one monotonous test, the predominance of the English interest, and that as seen, not even in the English colony, but in London or the Castle. Plots are devised in treachery and carried out by shifts of guile. The limitations of the theory are obvious when by its measurement a man need have no statesmanship to be a great administrator, and whether he 'rightly or wrongly achieved' his plans may confidently claim his place, according to colonial history, as one of the greatest public functionaries who in any century served the English Crown.³ On this lower platform the actors seem stunted and diminished. They seem to need the breath of a larger air, the proportions of a broader horizon.

Irish history, indeed, can have no vigorous life unless it can strike root in a deeper soil. It is hard to begin, like Sir John Davis and his admirers, as if scarcely anything had happened in Ireland before the seventeenth century, and that little of no great consequence. On ground thus bared and hardened and fenced with barbed wire, one may plant and another water, but where is Nature to give the increase? The tree is dead at the roots. Is history to begin in Ireland (for modern writers' convenience) with the English language? Even if we confine ourselves to records in a single language, need we absolutely confine our historical investigations to people of one blood? Have these alone a part in the records of a United Kingdom? Is this the high conviction which inspires the Imperial idea?

ALICE S. GREEN.

¹ Falkiner, p. 47.

² *Ibid.* p. 26.

³ *Ibid.* p. 55.

James Watson, King's Printer

THE name of James Watson deserves to be held in grateful remembrance for many reasons. At a time when private cupidity and technical incapacity had brought the art of printing into great discredit in Scotland, he did much to restore it to public esteem by the general excellence of the work that issued from his press. A printing monopolist to a certain extent himself, he did not use his privilege either to oppress others of the trade or to enrich himself at the expense of his art. He had exalted notions of the importance and possibilities of the craft, and published the first 'History' of it that appeared in Britain. Above all, he was time and again the champion of his native country against the encroachments of the South, and by lawsuits and otherwise did what he could to enlarge the liberty of the press in that age of printing restrictions.

What is known about Watson's early years may be summed up in a few lines. His father was James Watson, 'the Popish Printer,' whom James VII. set up in Holyrood Palace, and who, before coming to Edinburgh, had been a merchant in Aberdeen.¹ Young Watson would appear to have been born in the northern city,² but in what year is unknown. The date 1664 has been mentioned,³ but though this is probable, it cannot be verified. By the time his father died in 1687 he had evidently come to years of discretion, although he describes himself as being then 'young.' Fountainhall, under date Aug. 8, 1687, relates how the Privy Council proceeded against the Edinburgh booksellers and printers, so that they should not print or sell anything without license, and adds that Watson, senior, was exempted from this

¹ The following entry in the Burgess Register of Aberdeen (*New Spalding Club Misc.* ii. 396) may refer to him: '1648, Jan. 26, James Watstone served with Adam Watstone, merchant, admitted a guild burges.' A James Watson, younger, merchant in Aberdeen, is pilloried in *Records of Justiciary* (Sc. Hist. Soc.), ii. 209, for an unsavoury offence tried in 1674.

² Watts's *Bib. Brit.* ii. 593.

³ *Scottish N. and Q.* xii. 133.

Act, 'so he *and his son* may print or sell what they please against the Protestants.'¹ If the words put in italics refer to James, it would indicate that he was of respectable age in that year.

The religion of the father and the consequent favour which it brought from the King proved more than once an awkward circumstance in the life of the son after James VII. had forfeited the throne. Though he renounced Roman error, the sincerity of his conversion was nevertheless gravely questioned. Within a few years of his death he was saluted as 'Popish Watson.' When it suited her purpose, his arch-enemy, Mrs. Anderson, had no scruple in reminding him that 'he was originally a Papist, that finding as such he could not well exercise his trade as a printer in Edinburgh, especially that he could not with freedom print such books as either his inclination, his religion or his interest prompted him to, and that he was prosecuted frequently for the same, he was pleased publicly to renounce the religion he was educated in and turn Protestant,—as to what kind of Protestant he turn'd I shall not take upon me to determine whether Episcopal or Presbyterian, whether either of them or both in their turn as he found his interest in conforming to this or that.'²

In support of her allegations that Watson still remained Romanist at heart, Mrs. Anderson declared that Watson took every opportunity of printing Jacobite and Popish books, as well as made a joke of his conversion while in his cups. 'He that can make a jest of changing his religion,' she concluded epigrammatically, 'may, I believe, without breach of charity be said to have changed but in jest.'³ But when Mrs. Anderson so wrote, accusations and recriminations were the order of the day: Watson had his *tu quoque* in asserting that his rival was guilty of sedition and like political crimes. The truth may be that Watson sat easy to all religion. His own description of himself is a man 'who is himself most loyal to the Queen and a hearty well-wisher to the church,'⁴ the church being most probably that of England. In fact, that he was an Episcopalian, and a Jacobite to boot, is almost certain. He printed pamphlets on behalf of the Episcopal

¹ *Decisions*, i. 473.

² *A Brief Reply to the Letter from Edinburgh relating to the Case of Mrs. Anderson, Her Majesty's Printer in Scotland* [1712?], p. 8.

³ *Ibid.*

⁴ 'Memorial to the Secretary of State' (Scottish Records Office). The 'Memorial' is undated, but it probably belongs to the end of 1714. It is, however, endorsed 'Memorial for Mr. Watson, printer, 1713.'

clergy, who at the time could carry on their ministrations only under severe penal enactments.¹ Principal Lee points out that about 1712 the Government was not considered friendly to the Church of Scotland, and adds, that although they had been appointed Queen's Printers for Scotland, 'It was very provoking to see the most violent attacks upon the established church printed either by James Watson or Mr. Robert Freebairn, who seem to have exercised a discretionary power of declining to publish royal proclamations when they were not consonant with their own views; otherwise it is difficult to discover why the Queen's proclamation against unlawful intruders into churches and manses in Scotland was printed, not by either of Her Majesty's printers, but by John Reid in Bell Wynd.'²

Watson himself tells that his mother was a Dutch woman,³ and the fact opens up an interesting line of conjecture about the extent of the business in which his father was engaged. About the middle of the seventeenth century Aberdeen merchants went far afield. The connection, for example, between them and Poland was very close, and Patrick Gordon, the famous general of Peter the Great, tells how he was entertained at Posen in 1654 by a company of his countrymen, among whom, strangely enough, was a James Watson.⁴ As is well known, the relations between Scottish merchants and Holland were very intimate, and several of them married Dutch wives. The family of Watson's mother seems to have occupied a good position. Her father⁵ was able to lend money to Charles II. when that scapegrace prince was an exile in Holland, money that never seems to have been repaid. His son-in-law made a claim for it in 1685, but was forced to be content with the gift of a restricted printing monopoly in lieu of hard cash. The memory of the injustice rankled, for as late as 1714, when Watson, junior, was pleading for his rights as King's Printer, he referred to himself as 'a man whose grandfather suffered for his loyalty.'⁶

Watson says 'he was from his infancy bred a printer,' and his father did what he could to make the path clear for him. 'Before

¹ Ingram's '*A Jacobite Stronghold of the Church*,' p. 6.

² Lee's *Memorial for the Bible Societies*, p. 168.

³ *History of Printing*, p. 15.

⁴ *Northern Notes and Queries*, iv. 44.

⁵ At least the inference is that it is to his *maternal* grandfather Watson refers, *History of Printing*, p. 16.

⁶ '*Memorial*,' *ut supra*. It is however somewhat difficult to attach the description to Watson's maternal grandfather, upon whom Charles would have no claim for 'loyalty.' It may accordingly refer to the father of James Watson, senior.

his death,' says the son, 'he obtained a gift in my favour of being King's Printer after the expiring of Mr. Anderson's gift, but by his death it was neglected to pass the seals.'¹ It was a far-seeing act on the father's part, for the monopoly granted by Charles II. in 1671 was not due to terminate till 1712, a quarter of a century later. The Anderson family showed unremitting vigilance in protecting their printing rights, but their implacable hatred towards Watson may in part be explained by the knowledge they may have had of this attempt to supplant them.

The art to which James was thus committed became a kind of family occupation. His brother Patrick was apprenticed to George Mosman, another Edinburgh printer. Patrick was evidently much younger than his brother, for when in 1698 his master dismissed him for purloining some books and money and for lending some types and tools to his brother without authority, James took up cudgels on his behalf. He tried to force Mosman to take his apprentice back, and when he refused carried the case to the Court of Session. Mosman could not make good his accusations, but the judge saw that useful training was out of the question. He accordingly ordered that Mosman should return the apprentice fee of 100 marks and pay damages to a similar amount.² About the same time (22 March, 1700) an Alexander Watson, described as a printer, buried a child in the Cheslie tomb in Old Greyfriars,³ and it is probable that he was another relative. Watson's own son was elaborately prepared to carry on his father's business. 'He educated his eldest son at schools and universities,' he says, 'and bound him apprentice abroad,' so that on his return home 'he might assist his father to bring the art to as much perfection here as it is in any other part.'⁴ Subsequent references seem to indicate that this son unfortunately died before his father, or at least changed his occupation.

How James Watson spent his time between his father's death and 1695 is unknown, but it is probable that he perfected himself in his trade in some Edinburgh printing-house. In the latter year, however, he 'set up' for himself in Warriston's Close, one of the numerous alleys that led off the High Street. Here he was kept reasonably busy: up to 1700 a list of more than thirty productions of his press is known.⁵

¹ *History of Printing*, p. 16.

² *Fountainhall's Decisions*, ii. 13.

³ *Register of Interments* (Sc. Record Soc.), p. 672.

⁴ 'Memorial.'

⁵ Cf. Aldis's *List of Printed Books before 1700*.

It is unlikely, however, that these books and pamphlets include all his work. It was the day of illicit printing, for Mrs. Anderson had her eyes everywhere watching for infringements of her rights, and in addition the inflammatory conditions that prevailed politically hardly made it safe for a printer pointedly to acknowledge everything he set up. Several productions exist whose style indicates the Watson press, but which cannot be more distinctly identified with him. One booklet entitled *An Essay against the Transportation and Selling of Men to the Plantations of Foreigners . . . printed in the year 1699* ends abruptly at p. 24, and a MS. note on a copy declares that the press was then stopped by the Government and publication suppressed. Although there is nothing by which the printer can be identified, he was probably Watson.

If Watson cannot be described as litigious by nature, he was yet seldom without a 'guid ganging plea' of some kind on his hands. One action has already been referred to: he was involved in another in the same year. A wadset of the lands of Balskevie in Aberdeenshire was granted by Irvine of Drum to Forbes of Tilliegreig, which in turn came to 'Watson the printer.' The date of the latter transaction, 1677, indicates that it was probably carried through by Watson, senior, although the fact is not stated. In 1686 Forbes renounced the wadset to Irvine without the consent or approval of Watson, although he had been inhibited by him as early as 1678. Watson, junior, waited for thirteen years before he raised an action for the recovery of what he considered his rights. It was pleaded that Forbes had no authority to renounce the wadset on his own accord, but the argument showed that both law and the special circumstances of the case were against the pursuer, and he lost the cause. The name of James Nicolson of Trabrown, late Dean of Guild of Edinburgh, was conjoined with Watson's in the case, but what his interest was is not made apparent.¹

Watson's connection with the periodical press began in 1699 and continued with more or less regularity till his death. The connection was a most honourable one. He was the first printer of Captain Donaldson's *Edinburgh Gazette*, that unfortunate print which may be said to have started the great succession of the modern Scottish newspaper press. He issued 41 numbers, the last on July 17, 1699, and then, as Donaldson

¹ Fountainhall's *Decisions*, i. 807.

afterwards said, 'he found it in his interest to disengage himself' of his printer. The cause of the separation has not been discovered, but it may not have been unconnected with the raid made on Watson's premises already referred to. In the preceding June Donaldson was imprisoned, by order of the Privy Council, for printing false news concerning the export of wool, and also for reporting the riotous behaviour of some women thereanent,¹ but Watson does not appear to have been involved in the trouble. Whatever was the reason for the separation, Donaldson never seems to have employed Watson again, although he was often in straits for a printer.

Once Watson began to produce newspapers, he was seldom without having the issue of one upon his hands. It was the time when the printer had more than an operative's interest in the paper he issued. In this way Watson set up at different times, and, no doubt, in part controlled, the first *Edinburgh Courant* (1705), the *Paris Gazette* (1706), the *Scots Postman* (1708), and the *Scots Courant* (1710). The last he published for ten years from May, 1710, and perhaps up to his death.² He also did his best to meet the growing demand for the periodical essay, and reprinted the *History of the Learned* (1699), Steele's *Tatler* (1710), and the *Examiner* (1710), as well as assisted in producing a native *Tatler* (1711) under the direction of Hepburn of Bearford.³

The year 1700 proved to be a somewhat notable one in the story of Watson's career. For some time the anger of the Scottish people had been gradually rising over the failure of their Darien scheme of colonisation: about mid-summer, 1700, it reached almost to frenzy. Watson had previously been publishing verses and other matter on the subject,⁴ and his Jacobite tendencies would leave no doubt as to the view he took of the situation. At last the authorities proceeded against him, and he and Hugh Paterson, an Edinburgh surgeon-apothecary, were apprehended on a charge of printing and dispersing certain pamphlets.⁵ Both were lodged in the Tolbooth, and both presented petitions to the Privy Council to be released on bail. The petitions came before the Council on June 13, 1700.

¹ *Edinburgh Gazette*, June 12-15, 1699.

² The last known issue is that for April 20-22, 1720.

³ Fuller details may be found in the writer's *Edinburgh Periodical Press*.

⁴ Carstares, *State Papers* [1774], p. 448.

⁵ *Ibid.* p. 525.

Watson, appealing *ad misericordiam* on the ground of 'his sickly condition¹ and poor family,' urged as against the charge of publishing unlicensed papers that the 'alleged deed is not said to be accomplished with any ill design of their petitioners, but as most reasonable to be imputed to the necessity he was under of printing something or other that may sell as the only means of subsisting his numerous family.' If he had printed what was unlicensed, he pleaded 'the daily custom amongst all the printers in town,' as well as the fact that no license was required for reprints. The Council, however, as the sequel shows, took a serious view of the case, and ordered Sir James Stewart, the Lord Advocate, instantly to institute a process against both prisoners.²

Meantime events were marching outside of the prison walls. News came to Edinburgh of the repulse of a Spanish descent upon the Scottish settlement at Darien, and the city went mad with joy. The mob ordered all windows in the main streets to be illuminated on the evening of June 20. When the time came, the thoroughfares were crowded with an unruly multitude that soon proceeded to works of devastation. The windows of all persons suspected of hostility to, or lukewarmness in, the popular cause were smashed. The house of the Lord Advocate was assailed and a warrant for the release of Watson and Paterson forced from him. Those who carried the document, however, were anticipated. 'Others of them,' wrote Murray of Philiphaugh to Carstares, 'had not patience to wait for the warrant, but by fire and other means broke up the Tolbooth and let all the prisoners out.'³

Watson did not retain his liberty long. Whether he and Paterson were again taken by force or surrendered willingly

¹ In the same petition he gives the exact disease from which he was suffering—gravel. It was the disease from which most petitioning prisoners suffered at that time.

² *Reg. Priv. Council*, June 13, 1700.

³ Carstares, *State Papers*, 539; Arnot's *Hist. of Edin.* 185. Charles Weir, Robert Henderson, Alexander Aitcheson, and John Easton were indicted on July 22 for the part they had taken in this attack on the Tolbooth. One of the charges against them was, that among other persons 'Hugh Paterson and James Watson, imprisoned and accused before the Lords of the Privy Council, were let out and set free.' Weir seems to have been specially active in the work of liberation. He 'assisted thereat with a drawn bayonett or dagger in his hand.' The prisoners were all found guilty (*Records of Justiciary, Advocates' Library*).

to 'thole their assize' is unknown: probably the latter, as no reference is made to the matter in the *Register of Privy Council*. Both appeared for trial before the Council on June 25, a few days after the riot. They were charged with 'making and uttering or [at] least concealing the author, and dispersing false and slanderous speeches and writes to the reproach of his Majesty and misconstruing his proceedings to the engendering of discord betwixt his Majesty and his people and to the moving of mislike betwixt him and his subjects.' Paterson had the publication of two pamphlets laid at his door, *Scotland's Grievances relating to Darien*, and what is called *A Short Speech proposed by a worthy member to be spoken in Parliament concerning the present State of the Nation*. Quotations are given, one containing 'horrible words,' to show that these works were illegal in substance as well as in the method of their publication.

Watson's particular offence was that he had issued a third pamphlet named, *The People of Scotlands Groans and Lamentable Complaints*, made up of extracts from *Scotland's Grievances*. The author of this last pamphlet, says the libel, 'under the notion of two parents to the country, whereof he makes the Parliament one, says expressly that its other parent is dead or under a morall incapacity and that the people of this kingdom have been deprived of the benign influences of their King those hundred years and that our neighbours have hade the politicall fathers of our country under their command and made them treat the same like enemies and most of all at present, whereby his Majesties authority is as plainly pointed to as if his Majesty had been named.' It is not clear from the indictment whether each prisoner was charged with the other's shortcomings as well as his own, but the Council evidently considered the offences analogous, and held the panels as 'airt and pairt' in them.¹

There seems to have been no defence, although Watson had as his counsel Mr. John Spottiswood, of whose literary connection with his client more shall be said presently. The prisoners 'craved pardon and [threw] themselves upon his Majesties mercy.' The Council took a vote whether the punishment should be either banishment or fine, or both. It was carried to exact only one of the penalties, and banishment was agreed upon. Paterson and Watson were accordingly forbidden to come within ten miles of the city for a year and a day

¹ *Reg. Privy Counc.* June 25, 1700.

from July 15, 1700, the penalty for infringement in Watson's case being £50 sterling.¹

Where Watson spent the months of his banishment is only partially known. He was sentenced on June 25, 1700, and it is not till January 27 of the following year that he definitely appears in sight. On that day the 'Act Book of the Barony of Gorbals,' Glasgow, declares that 'James Watson, printer, late in Edinburgh, produced a Testificat of his honesty and good behaviour: and being now come to reside in the Gorballis, he hereby enacts and obleidges him to leive civilly and peaceably with his neighbours and obey the Magistrats and Counsell of Glasgow and Baillie and Constables of Gorbellis, in tyme comeing, under the paine of fyve pounds Scottis, *toties quoties*, And Thomas Gemmell and James Smith, Hammermen in Gorbellis are hereby become cautioners for him whom he obleidges to relieve thereof.'² The terms of this undertaking had no special reference to the circumstances which had driven Watson to seek shelter in the western town, and contained no suggestion that he might again be guilty of unruly conduct. It was the usual agreement made by those who came to reside within the bounds. During fifteen years at the beginning of the same century over 300 persons came under a like obligation to live peaceably while they remained in Gorbals.

On Feb. 4, 1701, Paterson presented a petition to the Privy Council asking that the remainder of his sentence of banishment should be remitted, and he allowed to return to Edinburgh. He pleaded that his practice in the capital was being ruined through his enforced neglect of it, and that his family was suffering great hardships from his absence. The Council seems to have considered the ends of justice already served, and granted the required permission.³ No mention is made of Watson, and

¹ Mrs. Anderson, in the *Brief Reply* quoted above, evidently refers to this episode when she says Watson was 'banished nor could he return to Edinburgh till he had made a public recantation of his popish principles' (p. 14). Nothing in the records of the case lends countenance to the addition.

² *The Barony of Gorbals*, by Robert Renwick (Regality Club, Series iv. Pt. i. p. 26). There can be no doubt that the Watson of this declaration is the Edinburgh printer. The Gorbals signature corresponds exactly with that affixed by Watson to the petition of the Edinburgh printers in 1704, referred to later. This petition is still exant among the Privy Council papers, and is reproduced (along with a facsimile of the signatures) in the Maitland Club *Miscellany*, ii. 239.

³ *Privy Council Register*, Feb. 4, 1701.

there is no evidence that his term of exile was shortened. There exists, however, among some miscellaneous papers belonging to the Privy Council, a rough scroll agenda of the business to be brought before it on March 6, 1701. It contains a long list of items, among which stands 'Petition, James Watson, printer.' Unfortunately, no light is thrown on the nature of the petition. It may have been for the mitigation of sentence, or it may have had to do with the raid made on his premises by the indefatigable Mrs. Anderson, to be referred to presently. Neither the 'Acta' nor the 'Decreta' of the Council's Register deal with it, and the petition itself is not available.

Although banished from Edinburgh, Watson carried on his printing business, and there seems no doubt that the work itself was done in the capital. The sentence on him said nothing about continuing his occupation, and doubtless he made arrangement for the supervision of his printing-house. Only one publication is known to belong to this period—a booklet of 24 pages, named *The Song of Solomon, called the Song of Songs. In English Meter, Fitted to be Sung with any of the Common Tunes of the Psalms.* It was a reprint in part of a book published by the Andersons in 1685, and bore the imprint: 'In the Gorbals, Printed by James Watson, and Sold at his House in Craig's Closs, Edinburgh 1701.'¹

Exile was not the only misfortune which the erring printer had to endure in 1701. The event is somewhat obscure, but the following are the terms in which he refers to it. 'Mrs. Anderson . . . prevailed with the Magistrates of Edinburgh to discharge my working for some time, and in 1701 obtained a warrant from the Privy Council on a false representation to shut up my workhouse. But upon a full information given in by me to the Lords of Privy Council (wherein all the Printers of Edinburgh concurred) and a debate in the presence of their lordships, she was so well exposed that she made no attempt afterwards of that kind.'² The oppressive acts of the indefatigable Mrs. Anderson against Watson would thus seem to have extended over a number of years. The minutes of the Privy Council and of the Town Council for 1701 have been searched, but no reference to Watson's complaint has been discovered. It is just

¹ A copy of this scarce piece turned up a few months ago. An example, however, was sold at the Duke of Marlborough's Sale, June 30, 1819, and another appears in Heber's *Lib. Cat.* i. No. 6366.

² *History of Printing*, p. 18.

possible that the unscrupulous lady took advantage of her enemy's absence, and that the petition of the scroll agenda of March 6, 1701, refers to her doings.

In 1704 Watson was one of five printers, signatories to a petition presented to the Privy Council. They complained that the Town Council had ordered them to publish nothing whatever without the necessary public authority to do so: and 'for the more sure Performance of the Premisses, Appoints the whole Printers, present and to come, to give Bond and Caution for themselves, Apprentices and Servants observing of the Premisses.'¹ This the printers asserted was a plain infringement of the regulations under which their business had previously been conducted, and practically asked that the Corporation's Act should be reduced. The Privy Council, however, had been irritated beyond endurance by the amount and nature of the illicit printing prevalent, and ordered that the Town Council's Act should be rigidly enforced.²

In the following year Watson was involved in another squabble with the Privy Council. Two men, Evander MacIver and George Ker, had interested themselves in the betterment of the paper manufactured in Scotland, just as Watson had set himself to the improvement of printing. The trio found their efforts largely frustrated by the ease with which printed matter could be imported into the country from England. They were specially angered by an insolent note appended to an English book to the effect that its author would pursue any Scotsman who reprinted it 'for damages before the Secret Council as Usurpers upon his Property and Discouragers of his Endeavours for the Public Good and Service of the Nation.'³ The petitioners had boldly begun the reproduction of that very book to show their contempt for the claims of their southern rivals, but the Privy Council had stepped in and vetoed its completion. Watson and his friends declared the claim to be 'an open encroachment on their Native Right,' and begged the Council to allow the work to go on. Their Lordships, however, were obdurate, and proceeded to reprisals. They ordered MacIver and Watson to be brought before them to answer for their conduct. On Watson was laid the additional charge of having reprinted a pamphlet called *Scotland reduced by force of Armes and made a Province of*

¹ Town Council Minutes, Oct. 29, 1703.

² Maitland Club *Miscellany*, ii. 236-9.

³ *Edinburgh Periodical Press*, i. 217.

England.¹ Unfortunately, it is impossible to discover the outcome of the whole business, for the Register of the Council has been searched in vain for a reference to it.

In 1709 Watson opened his famous shop, 'next door to the Red Lyon opposite to the Lucken-booths.' Ten years earlier he had removed his printing establishment from Warriston's Close to 'Craig's Closs on the north-side of the Cross,' and there it remained till his death. Long afterwards it continued to be known as the 'King's Printing House.'

The Anderson printing monopoly expired on May 12, 1712, and events had made it quite certain that the holders would strain every nerve to retain it.² Measures were actually being taken by Mrs. Anderson to secure it for her two married daughters, whose husbands 'knew nothing of printing.' Watson had long ago come to a decided opinion regarding the havoc made by the existing patent as it had been worked by the Andersons. 'By this gift,' he said, 'the art of printing in this kingdom got a dead stroke,' and he saw that, if the new scheme was successful, the present deplorable conditions would probably be continued. For the sake of his profession, accordingly, as well as for his own business advancement, he determined to attempt securing at least a part of the gift for himself. As early as March, 1711, he approached Robert Freebairn, at that time a bookseller in Edinburgh, with the proposal that the latter should make application for the post. It is difficult to understand why Watson did not apply directly on his own behalf, unless it be that he thought his numerous conflicts with the authorities were likely to injure his chance of success. Freebairn consented, but suggested that John Baskett, who had secured the same privilege for England, should be associated with them because of his influence in London.³ This arrangement having been made, an

¹ Maitland *Misc.* ii. 247.

² The authorities for the following narrative are: Watson's 'Memorial,' sent to the Secretary for Scotland (Scottish Records Office); the case papers laid by Baskett as appellant and Watson as respondent before the House of Lords (British Museum); Mrs. Anderson's *Brief Reply*, already quoted.

³ The person who acted as Baskett's agent in Edinburgh in this matter was Richard Watkins, and Watkins' name sometimes appears in place of Baskett's. Mrs. Anderson had occasion to denounce Watkins as 'a knight of the post, a perjured hackney swearer for pay, a bearer of false witness against his neighbour and a suborner of others to swear falsely for reward in order to take away innocent people's estates'—for all of which she professed to give chapter and verse (*Brief Reply*, *ut supra*).

agreement was drawn out between the three applicants. Its main provisions were that in whosoever's name the patent was obtained, the interest of all three in it should be equal; that the expense of securing it should be borne equally by Watson and Baskett, Freebairn's trouble in going to London being taken as his contribution; and that a joint printing house should be erected, the expense of which should be shared equally, Baskett undertaking to supply the paper needed for the first year's operations, for which he was to be recouped from the profits. The partners secured the patent on August 11, 1711, and in October it passed the seals.¹

And now Watson's troubles began. Baskett had evidently used the Scotsmen for his own purposes, and it did not suit him to take further action after he had obtained from Freebairn on September 11 a written acknowledgment of his interest in a third. Freebairn was a man easily influenced, and he fell into Baskett's plans. It was only after much pressure that Watson received from him on April 30, 1712, a formal assignation of his right. The 12th of May, on which the Anderson patent expired, was fast approaching, and no steps had been taken to provide premises for carrying on the business of King's Printer. For several months Watson 'daily importuned Mr. Freebairn to commission material for the work house,' but nothing was done. At last—in January, 1713—Watson took out a notarial instrument that he would proceed by himself if operations were not begun, and, no answer having been received, carried out his threat. He expended £445² on the required material, and brought six workmen from Amsterdam.

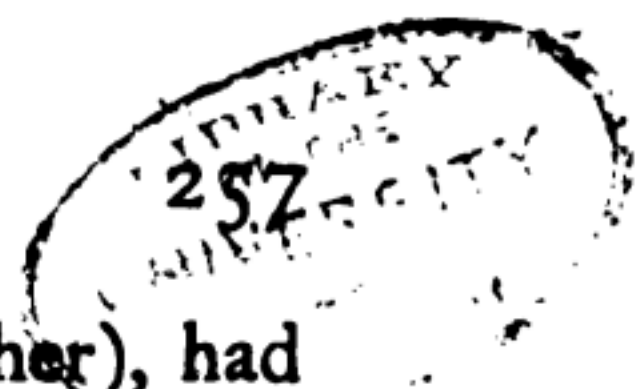
Immediately after this the plot thickens, though it is impossible to follow the various incidents chronologically. Mrs. Anderson contrived to get into communication with Baskett, and had come to an understanding with him. Freebairn was won over to her interests by a substantial bribe. Certain irregularities and illegalities in the 1711 patent were alleged—that, *e.g.* it had been obtained while the Anderson patent was still running, that Freebairn had never qualified according to law for holding it, and that it transgressed certain Scottish Acts. An unfavourable opinion of Sir James Stewart, the Lord Advocate, had declared it null and void.³ On the strength of these adverse criticisms,

¹ Its terms can be read in Lee's *Memorial*, App. xxx.

² This sum had increased to £2000 by 1718.

³ The opinion is given at length—Lee's *Memorial*, App. xxxvi.

James Watson, King's Printer



Freebairn, aided by Baskett (leaving out Watson altogether), had 'obtained a warrant from his Majesty King George to be His sole printer for Scotland, which warrant was the 8th Dec. 1714, but upon the humble Representation of [Watson] . . . a stop was put to the passage of the said grant.'¹

It was time for Watson to vindicate his position, and he instituted proceedings in the Court of Session. He raised an action of declarator against Freebairn and Baskett, and against Watkins as the latter's trustee. On Feb. 8, 1715, the Lord Ordinary decreed that Watson had a right to a third part share in the gift made to Freebairn in 1711, and that he could legally use the title, 'One of the King's Printers.' On appeal, the decision was affirmed by the whole Scottish bench—June 17, 1715. His next step was to face Mrs. Anderson. In spite of the fact that her monopoly had expired, she had continued to print Bibles, etc., and to act as if she still held the office. On June 21, 1716, he obtained a judgment restraining her, and awarding him damages for the infringement of his rights. The case was reheard June 29, when Watson, on the judgment being affirmed, waived his claim to damages, and undertook to renounce his privilege of printing law books and of seizing Bibles imported from England—points on which the validity of the first Freebairn patent was questioned.²

Meantime the situation had been further complicated by the conduct of Freebairn. He had joined in the insurrection of 1715 and had become printer for the Pretender.³ The doubt concerning the validity of Freebairn's patent was now superseded by its actual forfeiture through rebellion—or at least any right Freebairn might have in it. The opportunity was too good to be lost, and going secretly to work, Baskett and Mrs. Anderson applied for a new gift. It was granted on July 6, 1716, in the joint names of John Baskett and Agnes Campbell, Mrs. Anderson's maiden name.⁴ The 'contentious, rich old woman,' as Watson called her, did not enjoy her triumph long, for she

¹ John Baskett *v.* Watson—The Respondent's Case. 'The humble Representation' was likely the document cited as the 'Memorial.' In the Scottish Records Office there is a short document headed 'A Representation concerning the Queen's Printers in Scotland Humbly Offered to the Right Honourable the Earl of Mar, Her Majesty's Principal Secretary of State.' It is evidently Watson's, and must be dated prior to the death of Queen Anne on August 1, 1714.

² Bruce's *Decisions*, ii. p. 22; Morrison's *Decisions*, pp. 13254-5.

³ Rae's *History of Rebellion* [1746], p. 194.

⁴ She had long before this married a second time and was now Mrs. Patrick Telfer.

died on July 24, 1716, less than three weeks after the grant was made. Evidently the patent was obtained without Watson's knowledge, for it was only on December 4, when Baskett's appeal from the Lord Ordinary's decision of the preceding June was before the Court of Session, that the fact of its existence was revealed. The judges, however, were not overawed by it, for they decided in Watson's favour, December 14, 1716, reserving to the defendants their right to sue on their new patent if they saw fit.

Ultimately the whole case was carried to the House of Lords, where Watson had again the satisfaction of winning along the whole line except in one particular point. One of the interlocutors appealed against gave Watson the right of 'printing Bibles and Acts of Parliament and other public papers and sell and dispose of them in any part of his Majesties United Kingdom or elsewhere.' The Lords of Appeal ordered the last ten words to be struck out.¹ This final judgment is dated February 15, 1718.

The verdict of the House of Lords had established Watson's right to be one of the King's Printers for Scotland and practically reduced King George's patent of 1716, for the heirs of Mrs. Anderson were cut off by it from any of the privileges of the position. But in making good his own claim Watson had also, under the first Freebairn gift, established Baskett's title to the same office. In the enjoyment of a double patent, the whole of England and Scotland accordingly lay open to the operations of the Englishman. The ink of the judgment of the House of Lords was hardly dry before he took steps to enforce the only point given in his favour. Watson had an agent in London, named Henry Parson, whom he employed for the sale of Bibles printed by him. Baskett brought an action to restrain the agent. It was in vain that Watson caused him to plead that the rights of both monopolists were the same, that the Treaty of Union conferred equal trading privileges, and that Baskett was endeavouring to increase the price of Bibles for his own profit. The Master of the Rolls decreed 'that a perpetual injunction be awarded to enjoin the said Defendant, his agents and workmen, from importing, printing or vending any Bibles, New Testaments or Common Prayer Books, contrary to the Letters Patent granted to the Plaintiff.'² One loophole still remained for Watson. It

¹ Robertson's *Reports of Cases on Appeal from Scotland*, i. 202.

² *A Previous View of the Case between John Baskett . . . and Henry Parson, Watson*, Edin. 1720, p. 29.

was impossible, he argued, to *import* anything from Scotland as if Scotland was a foreign country, and besides the judgment could not apply to what was *legally* printed in Scotland. He accordingly advised Parson to appeal, but in the end Watson failed. 'The litigation continued until it was settled by a judgment of Lord Mansfield in favour of Baskett.'¹

Such a long course of legal proceedings necessarily involved Watson in considerable expense. In 1709 he had married, evidently as a second wife,² Jean Smith, a lady possessed apparently of considerable means. On January 3, 1715, he executed a bond for £1000 sterling in her favour 'in consideration of several sums of money received from her since our marriage to the extent of £12000 Scots and of the extraordinary care and good management she has of my affairs and business and that she by her industry raised my means and estate since our marriage, and in implement of the contract of marriage of the spouses dated 30 Nov. 1709.' As security he offered his stock in trade and his privilege of King's Printer.³ On August 23, 1721, an additional bond for another £1000 was executed, because since the date of the former he had intermitted with £1500 sterling 'in order to defray the expenses of discussing an appeal at London anent my office of King's Printer,' in meeting certain debts and obligations, and 'for paying the price of the house or lodging in the Land Mercat,' 'disposed to the spouses 17 August 1720.'⁴ In a supplementary instrument he assigns to his wife 'the full and absolute right' to the office of King's Printer after his decease.⁵

Watson was now nearing the end of his life. Towards the close of 1721 a false rumour of his decease was circulated in the London papers. In contradicting it the *Caledonian Mercury* declared him to be 'alive and in perfect health.'⁶ Within a year, however, the event actually took place. Public intimation was thus made of the fact: 'Edinburgh Sept. 25. Yesternight

¹ *D.N.B.*, s.v. Baskett.

² Watson had a child buried in Greyfriars, Nov. 30, 1699 (*Register of Interments*: Sc. Rec. Soc. p. 673).

³ *Register of Deeds* (General Register House), vol. 117 (Mackenzie's Office).

⁴ *Ibid.* vol. 130. The bond says that the deed for the Lawn Market house is 'recorded in the Court Books of Edinburgh 9 Sept. thereafter.' Unfortunately this volume, along with several others of the same time, is amissing.

⁵ *Ibid.*

⁶ *Caledonian Mercury*, Nov. 21, 1721.

about 11 A-clock died here James Watson, His Majesty's Printer.'¹ He was survived by his wife as well as by an only son, James, and an only daughter, Elizabeth, married to John Catanach in Tarland, Aberdeenshire. By his will Watson left his wife sole executrix and legatee, his two children loyally and formally making over their interests in his estate entirely to her.² The Inventory shows that he had a good stock of books on hand and considerable debts due him from booksellers and printers throughout the country—Newcastle, Belfast, Glasgow, Perth, being named among other places. The will is dated September 14, 1722, a few days before his death.

For a short time Mrs. Watson carried on the business from the well-known shop 'next door to the Red Lyon, opposite to the Lucken-booths.' She soon, however, handed over her printing rights to Brown and Mosman, who thereupon continued to publish books under the designation of Printers to the King. Watson had hardly been cold in his grave before Baskett proceeded to enforce his rights in Scotland under the Freebairn patent of 1712. He set up 'a separate printing-house in Edinburgh to the prejudice of Brown and Mosman,' but although the latter tried to drive him off by pleading before the Court of Session that he had never qualified under the gift, they lost their case.³ Mrs. Watson married again—this time Thomas Heriot, an Edinburgh bookseller, but died in August, 1731. The newspaper notice of her death ran: 'Last Tuesday, died Mrs. Heriot, late the widow of Mr. James Watson, his Majesty's Printer, by whom she had a very considerable estate, a great part of which comes to her present husband.'⁴

Watson prided himself, and quite legitimately, both upon what he did generally for the art of printing and upon the quality of his own work. That he was not immaculate, however, is shown by the notice of *errata* which Dr. Alexander had to insert in his book, *A Short Survey of the . . . Sovereign Princes . . . in Europe*, 1704. The list was headed: 'The Printers have so neglected to make the Amendments as the proofs and revises were corrected, that after the book was bound I was forced to write these most considerable erratas, relying still for lesser escapes on the Reader's kindness,' and contained

¹ *Caledonian Mercury*, Tuesday, Sept. 24, 1722.

² *Commissariat of Edin.* vol. 88.

³ *Edgar's Decisions*, p. 190.

⁴ *Edinburgh Evening Courant*, August 26, 1731.

the information that 'the Printer has not greek types.'¹ In spite of such a fact, however, there is abundant evidence as to the excellence of his workmanship. Principal Lee speaks of 'his neat and carefully executed editions of the Bible—some of which have never since been excelled.'²

In addition to the mechanical improvements he effected in printing, Watson has been credited with original literary work in two directions. He made a *Choice Collection of Scottish Poems*, a work which Maidment regretted he did not more fully carry out: 'He would have been at least a faithful editor and not have attempted those alterations which Allan Ramsay has taken with many of the poems in the *Evergreen*.'³ The other is the *History of Printing*, 1713.

The book, or at least its preface dealing with Scottish printing, is generally spoken of as having been written by Watson. It has, however, been asserted that the real author of the 'Preface' was John Spottiswood, an Edinburgh advocate belonging to a well-known Berwickshire family, who wrote several legal treatises and taught law classes in the city. The assertion is accepted without question by Dickson and Edmond in their *Annals*.⁴ The authority for it seems to go back to the statement which George Paton, the Edinburgh antiquary, communicated to Herbert, the editor of Ames's *Typographical Antiquities*.⁵ No proof is given, and Chalmers, the author of *Thomas Ruddiman*, was disposed to dispute its accuracy. 'If I were to conjecture,' he said, 'I would say that I think Spottiswoode wrote the history of the foreign printers and Watson the account of the Scottish printers.'⁶ Unfortunately for any weight that might be assigned to Chalmers's opinion, the 'Preface' itself declares that the section of the book relating to printing abroad was written originally in French by an author who has since been discovered to have been J. de la Caille. It is improbable that

¹ Cf. *Edin. Biblio. Soc. Pub.* i. 7. He was in possession of Greek type before he published his *History of Printing*.

² *Lee's Memorial*, p. 187.

³ *Scottish Ballads and Songs*, ii. 44. It is right, however, to note that the selection has been credited to John Spottiswood.

⁴ *Annals of Sc. Printing*, p. 2.

⁵ iii. 1815.

⁶ *MS. Collections, Relating to Scottish Printing* (Advocates' Library). Chalmers has no great opinion of the preface—it 'gives a superficial and inaccurate account,' which perhaps is much too severe on the first British attempt to record the history of printing.

the true authorship will ever be satisfactorily revealed. If Spottiswood wrote it, the personification of Watson is well carried out: no slip is made in the personal pronouns when Watson's affairs are mentioned, and there is even a sentence to the effect that 'in 1706 Mr. John Spottiswood, advocate and professor of law brought home a neat little printing house for printing his law books. But in a little time after disposed of it.'¹

W. J. COUPER.

¹P. 18.

The Seal of the Burgh of Rothesay

THE embossing die at present in use for affixing to documents the seal of the royal burgh of Rothesay was obtained in the year 1897, and makes an impression which shows the insignia of the burgh on a shield, surrounded by the inscription: PER ROBERTUM STUART REGEM SCOTORUM LIBERTAS DATUR VILLAE DE ROTHISEA. These words form a complete circle of lettering, the word PER beginning at the highest point above the shield. It is clear that PER is intended to be the beginning of the sentence and ROTHISEA the end, as there is a quaterfoil after ROTHISEA by way of punctuation.

The use of the inscription in this form is of very recent date, and does not commend itself. Even if the words were correct it would appear better to begin the sentence with the word LIBERTAS and end it with SCOTORUM; making it run LIBERTAS DATUR VILLAE DE ROTHISEA PER ROBERTUM STUART REGEM SCOTORUM, which was the form it took on two successive dies in use before the present one. It would be still better, however, to revert to the form of the inscription to be found on the old double seal of the burgh, which probably dates from the year 1401. To the Rev. James King Hewison, D.D., minister of the parish of Rothesay, belongs the credit of being the first writer to reproduce accurately the words on this seal, which he does at page 197 of the second volume of his work *Bute in the Olden Time*, adding that the reference is to the words 'liberius conceditur seu datur' in the burgh charter. The lettering is a gothic minuscule, the letter *i* not dotted. Imitating the punctuation, the inscription runs: villa * de rothiffa * liberius * datur * per * robertum * stuart * regem * scotorū *. There is not a single letter about which there can be any dubiety, and the point at which the sentence begins is equally clear. The old sealing apparatus consists of two flat dies of brass forming a seal and counterseal, each circular in general form, about two and a half inches across and one-eighth of an inch in thickness. These are not attached to each other in

any way. In using them the die for the reverse is placed face up on a wooden board, three upright pins fixed on the board passing through three holes in the margin of the die outside the lettering. Some silk thread, or a ribbon, or a strip of parchment, has been previously laced into a fold of the parchment to be authenticated, under the writing, leaving two ends of sufficient length.¹ Melted sealing-wax is then poured on the die, the ends of silk or parchment are placed across the soft wax, some more wax is quickly poured on, the die for the obverse (which has a handle fixed on its back, and has holes in its margin corresponding to the holes on the other die) is passed over the pins, and the soft wax is pressed between the two dies. The dies are removed after the wax has cooled, and when the operation is complete there is left hanging from the document a flat, circular wax seal with a device on both sides like a coin.

On the obverse side of the seal there appears (not, it may be observed, on a shield) a castle with a central keep, embattled; below it a galley; above the battlements of the castle to the left of the keep, the moon as a crescent; to the right of the keep a star of five points. Round this device, between two concentric lines, run the words *villa * de rothissa * liberius * datur*. On the other side, or reverse of the seal, is a shield charged with a fess chequy, and round it run the words *per * robertum * stuart * regem * scotorum*. The *m* of *scotorum* is indicated by a stroke above the *u*,—the common style of contraction in manuscripts of the period. On the obverse the word ‘villa’ begins on the field right above the middle of the castle; and on the reverse the word ‘per’ begins right above the middle of the shield,—in both cases the highest point of the seal. This was the usual point at which to begin to read the inscription on a seal or a coin of the time, as may be seen, for example, in the coins of Robert II. and Robert III. and the Great Seals of James I. and James II., figured on Plates 159 and 82 of Anderson’s *Diplomata Scotiæ*. So read, the inscription is one sentence, at once grammatical and appropriate, being a very succinct précis of the Royal Charter of 1401 by which the town was constituted a royal burgh, adopting the very words used by King Robert III. in that charter. It runs thus: *Sciatis nos dedisse concessisse et confirmasse . . . dilectis et fidelibus hominibus nostris ville nostre Rothissaye*

¹ A touch of fancy, for a very fine deed, was to use two colours of silk thread, dividing the ends into four, two of each colour, and plaiting these together for a few inches; then separating each pair into four, and plaiting these similarly.



THE MODERN COMPOSITION



THE OLD SEAL.—REVERSE

THE SEAL OF THE BURGH OF ROTHESAY

From recent wax impressions



THE OLD SEAL.—ORVERSE

The Seal of the Burgh of Rothesay 265

quod ipsi et eorum successores pro perpetuo habeant, teneant et possideant dictam *villam* . . . per omnes rectas metas ipsius burghi . . . adeo libere . . . sicut aliquis burgus . . . *liberius* conceditur seu *datur*.¹

To arrive at the middle form of the inscription (that beginning 'libertas datur') from this older form, the old form must be violated unmercifully. It is necessary to make a word which is plainly 'liberius' into 'libertas'; to make 'villa' into 'villæ'; to begin to read the inscription at a point below the device on one side of the seal, contrary to the practice of the time, and to begin to read above the device on the other side. And when all this is done the resulting sentence misses what might well have been considered the most important point about the charter, namely that by it the king granted and confirmed to the good men of the town not 'libertas'—a somewhat vague expression, of little practical use except at an election—but the territory of the burgh. It has been contended by some that the king did not by this charter grant the burghal territory to the burgesses to hold. It is possible that by those who favoured that view the old form of the inscription was considered misleading.

The form 'libertas datur,' etc., seems to have made its first appearance in the time of Mr. Blain, who was town clerk from 1761 to 1804, and a magistrate of the burgh from 1804 to 1819, besides holding other important offices. He died in 1820.² Mr. Blain was the author of a manuscript *History of Bute*, and in that work, which was printed in 1880, there is the following passage :

'Near the town house stood till lately the market cross, a small octagonal mound, surrounded on all sides by a stair and ending in a single stone on top, whereon a stone pillar six feet and a half high was inserted, having on the transverse a figure of the crucifixion. On each side were placed, in two shields, the arms of the burgh of Rothesay. In one a castle proper, in the dexter chief a crescent, and in the sinister a mullet, both tenny; middle base a sloop sable, with its sails furled up and colours flying, as if before

¹The charter is printed in Mr. J. Eaton Reid's *History of Bute*: Appendix, p. 257.

To grant lands to be held 'as freely' (*adeo libere* or *ita libere*) as they were 'more freely' (*liberius*) held in the past is an ancient form. Out of the first fifty charters in the first volume of the *Registrum Magni Sigilli* seven run in that form. These belong to the reign of Robert the Bruce and are grants to individuals and communities of monks. The same form is used in other burgh charters; for example in the charter to Perth on p. 110 of same volume.

²Other particulars regarding Mr. Blain will be found in the preface to Mr. J. Eaton Reid's *History of Bute*.

the wind ; and in the other, or, the foss checky, azure and argent, these are impaled together on the corporation seal, with the following inscription around : "Libertas datur villæ de Rothessay, per Robertum Stuart, regem Scotorum"" (p. 306).¹

It is a pity that the market cross of Rothessay was not preserved, for which circumstance Mr. Blain, as one of the most influential men of his day in the community, cannot escape some share of the blame. It appears that on 27th August, 1768, seven years after Mr. Blain became town clerk and during the provostship of David Blair, Esq., of Giffordland, Dalry, Ayrshire, the town council authorised its removal. Their resolution is thus recorded in the minute-book :

'Which day it was moved that the building presently standing in the middle of the street opposite the Tolbooth, called the Market Cross of Rothessay, is an obstruction to the free passage upon the street, and that as it is at present in great disrepair it would be improper to expend any money for repairing of it, and for these reasons it ought to be removed. Which being considered by the Magistrates and Council, they are in general of opinion that it would be an improvement upon the street to have the cross removed ; and by plurality of votes Resolve that it be accordingly removed, and in place thereof that a pillar, to be the market cross, shall be erected at the southmost corner of the Tolbooth Wall, whereat all proclamations, Edictal citations, and other Intimations shall be made from and after the removal of the present Cross and in case it shall happen that any space do necessarily intervene betwixt the removal of the Cross and the erecting of the foresaid pillar, than the sd. corner of the Tolbooth Wall to be accounted the Market Cross during such intervall. And they ordain these presents to be published at the present Market Cross that the same may come to the knowledge of all parties concerned.'

Why the old pillar was not to be re-erected at the southmost corner of the tolbooth wall does not appear. No pillar was erected there ; but the old cross disappeared. No cast or drawing of it is known to exist, nor any contemporary description other than Mr. Blain's.

There are some puzzling things about Mr. Blain's description of the cross. The arms of the burgh of Rothessay are not recorded in the Lyon Register, and no example of them of any

¹ It does not appear when Mr. Blain first penned this paragraph. His manuscript history, as printed, contains a reference to the year 1817 as 'last year' (p. 361), but there were several recensions, and some parts of the work may have been written long before that. In 1792 Mr. Blain communicated to the Rev. John Lettice, when in Bute, portions of a manuscript local history. (Lettice's *Letters on a Tour through various parts of Scotland in 1792*, p. 151.) The punctuation is as here given.

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antiquity is known to exist, nor is there any old record of the blazon. Yet here Mr. Blain gives a blazon in words which seem a compromise between ordinary language and the terms of heraldry. 'Foss,' as one might suppose, is 'fess' in Mr. Blain's MS., which was not well edited; but it is improbable that a herald would have used the expression 'these are impaled together,' or 'a sloop sable,' etc. Then Mr. Blain, though he omits to state the tincture of the field on the dexter side, gives the other tinctures as if these had been indicated on this old cross, which is incredible. A further peculiarity is the introduction of the tincture *tenny* without remark, though this tincture is not found in any other Scottish escutcheon,—a circumstance which Mr. Blain might well have been expected to mention, if he knew it. On the whole one cannot but surmise that Mr. Blain's blazon was produced by himself, after consultation with some acquaintance whose qualifications were that he possessed a book on heraldry. Though Mr. Blain takes occasion to interject this blazon and the words appearing on the burgh seal then in use, it was not the burgh seal but the market cross which he was describing, and unfortunately he does not tell us whether the cross bore the inscription as well as the insignia of the burgh. Nor does he tell us what became of the cross.

We believe there is no record of how or when the seal mentioned by Mr. Blain came to be made, nor is there any extant example of the burgh insignia, or the inscription associated therewith, earlier than the time of Mr. Blain, except the ancient seal and counterseal, which Mr. Blain does not anywhere mention. He was town clerk of Rothesay and he was interested in local history and antiquities. He must have seen at least one of the dies of this old seal though he may never have seen the other, about which there is considerable mystery. It appears from the council records that in 1823 Mr. John MacKinlay, a local antiquary, 'presented a new reverse for the ancient seal of the burgh, which had been lost above a century before.' We quote from Mr. J. Eaton Reid's *History of Bute*, p. 121, where it is added, 'The original seal was afterwards found in a field near Loch Fad, having, it is supposed, been carried out at one time with the refuse of the town clerk's office, and thence removed with the contents of the ashpit.' Dr. Hewison's account of the matter is this: 'According to the Town Council records in 1823 Mr. John MacKinlay presented a new reverse for the ancient seal, which had been lost about a century before. The seal was after-

wards found in a field near Loch Fad, and lost again' (*Bute in the Olden Time*, II., 197).

The minutes of town council on the subject may be presented in full, as the coincidence they record is remarkable.

29th Oct. 1823. 'Mr. John MacKinlay presented to the Council a new Reverse for the ancient seal of this Burgh to replace one which was lost above a century ago. This Reverse has been cast and engraved by him from an old impression and both obverse and reverse of the seal being now complete it may be used for any purpose the Council think fit.

'Mr. MacKinlay moved that the seal and the impression from which the Reverse has been restored be deposited in the Charter Chest of the Burgh for preservation and the same was unanimously agreed to and the thanks of the Council given to Mr. MacKinlay for the pains and attention he has taken in the business.'

23rd July 1824. 'Mr. John MacKinlay reminded the Council that he had on the twenty ninth of October last presented them with a new Reverse for the Ancient Seal of the Burgh, the original Reverse of which had long been missing. He now informed them that said Original Reverse had been found, about six months ago, by Daniel M'Quistan, Plasterer in Rothesay, when digging a pit for mixing lime, near the front of Mr. Kean's House at Woodend, at a place where the ground had no appearance of having ever been cultivated: it had remained in M'Quistan's possession till yesterday when he proposed selling it at the Fair (supposing it to be an old coin) but was advised to offer it to Mr. MacKinlay who purchased it from him, and now presented it to the Council. Mr. MacKinlay moved that it be deposited in the Charter Chest of the Burgh and that he be allowed to withdraw the new reverse above mentioned, which the Council unanimously agreed to.'

The Mr. Kean referred to was Edmund Kean the actor, who in 1824 acquired, on a building lease from the Marquis of Bute, a piece of ground situated on the west side of Loch Fad, at a place distant two miles and a half from the town of Rothesay by a road a considerable part of which was even then a mere track leading no further than the site of Mr. Kean's house, if indeed as far.¹ The particulars of where and how the seal was found, as recorded in the second of the minutes, have the appearance of being intended to negative, or at least throw some doubt upon, the ashpit explanation. Apparently Mr.

¹ When Kean came to Bute there was no road from Barone Park to Woodend, there was only a rough path. According to local tradition Kean made that road at his own expense. Previous to that he used to drive in his carriage to opposite the Grenach farm, getting a boat from there to row him across the loch. Kean once said something about having the road laid with gravel. 'One night at Dublin would pay the whole cost.' (Edmund Kean's Residence in Bute, by Mr. M. Mackenzie, in *Transactions of Buteshire Natural History Society*, 1908, p. 41).

MacKinlay either doubted M'Quistan's account of the matter altogether and merely gave it for what it was worth, or believed M'Quistan but was not quite satisfied with the ashpit theory as an explanation of how the die got to the place where it was found.

Dr. Hewison's statement that 'the seal' was found 'and lost again' seems to be a mistake. The die for the reverse now in the town clerk's office is evidently the original die and not a reproduction. Its history is remarkable enough without adding to it another disappearance and another reappearance of which nothing is recorded. It may be observed that it differs somewhat from the obverse die in appearance, the general surface of the reverse die being darker in colour, though at places the metal of the two dies is seen to be the same. The surface of the reverse die has not been injured in the slightest degree by its experiences, whatever these may have been.

If one part of the old seal was lost for over a century the words on the other part had a very similar fate. We have seen what Mr. Blain made of them. Mr. Henry Laing, in his *Catalogue of Ancient Scottish Seals* (No. 1179), describes the old seal of Rothesay from an impression received by him from the same Mr. MacKinlay, then of the Customs Office, Whitehaven. He gives the words on the obverse of the seal as 'Libertus datur villa de rothiesa,' thus making two errors besides beginning to read at the wrong point. In his *Supplementary Volume* (No. 1254), he describes the later form of the seal as 'evidently a modern composition of the fine old seal of the burgh,' and gives the inscription on it as beginning 'Libertas datur villæ de Rothisea,' but without noticing that this was not a correct reproduction of the words on the old seal. Even Mr. Walter de Grey Birch, formerly of the British Museum, in his *Catalogue of Seals in the British Museum* (Vol. IV., 236), makes a slip, giving the inscription on the old seal and counter-seal as 'Villa de Rothisea liberius datur per Robertum Stuart regem Scotorum.' The word is 'Rothissa,' not 'Rothisea,' as Dr. Birch at once acknowledged when his attention was called to it. 'Rothisea,' which appears on the middle and latest seals, may have originated in a similar slip on the part of Mr. Blain. If it was deliberately adopted it does not seem a happy way to latinise the name of the town, which is 'Rothissaye' in the charter of 1401, 'Rothessaye' in other

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old Latin documents, and 'Rothesay' in the Charter of Novodamus by King James the Sixth. For the benefit of strangers it may be added that it is pronounced 'Rothsay' by the townsmen, the syllable 'roth' rhyming with 'broth.'

A parchment burgess ticket of the year 1800 signed by Mr. Blain as town clerk, which apparently had borne no seal, has been seen by the writer. He possesses a ticket of 1859 on which there is a wax seal, about an inch and three-quarters across, with the legend 'Libertas datur' etc., punctuated after each word, the final *m* of 'Scotorum' being combined with the *u* in an unusual way. The word 'Libertas' begins at the top of the seal. From the style of the lettering it seems probable that the die which made this impression was the one in use in Mr. Blain's time. On his own burgess ticket, dated 1883, there is a seal or stamp embossed on the paper, with the same wording but evidently from a different die. In the latest embossing stamp the words are the same, but (as has been said) the legend is punctuated so as to make the sentence begin with the word *per*, which is now at the top of the seal. This form, with certain contractions, appears to be now officially used in other ways.

The writer was at first disposed to think that the recent change of usage had been deliberately made and that its object was to bring the words 'per Robertum Stuart regem Scotorum' beside the Stuart fess chequy on the sinister side of the present escutcheon, and at the same time to bring the words 'libertas datur villæ de Rothisea' over against the insignia on the dexter side, taken from the obverse of the ancient seal. Had this been the purpose a better way of effecting it would have been to begin the legend with 'Libertas' at the base and punctuate it after 'Scotorum.' But while this idea, for which there is something to be said, may have operated to confirm the present usage once it had been adopted, it rather appears that the change was at first purely accidental. The first appearance of the legend in its latest form is on the Provost's chair, where it appears, forming two lines, on a scroll below the armorial insignia; and the writer has been informed on the best authority that when this chair was designed in 1889 there was no intention of altering any usage. The inscription was taken from the seal then in use, but it was supposed that the proper point at which to begin to read was the middle of the base.

ADAM D. MACBETH.

Chronicle of Lanercost¹

ON the Saturday before Palm Sunday, which in that year fell on the fourth of the Ides of April,² there took place in Lothian an event most marvellous, enough in itself to warn wise persons that it is evil spirits that stir up tempests, and also to teach the ignorant that, according to the teaching of the saint, in every act and at every step thy hand should make the sign of the cross.³ A.D. 1294.

Verily, on that day, when crowds gathered in the town of Haddington from various districts to attend the market, a young fellow with an equally young wife came thither with his neighbours from a distance of six miles⁴ to buy some necessaries. But there occurred such a dense fog and driving snow as struck with dismay the countenances of all who beheld it. Having done their business [the couple] were returning home about mid-day, and the wife, who was a hale and hearty [young woman], riding on the horse behind her husband's saddle. On arriving at a rivulet about half a mile from their house in the town of Lazenby,⁵ she persuaded her husband to let her alight from the horse and follow on foot, while he went forward to the house and ordered a fire to be kindled against the cold. He consented, out of love for his wife; and no sooner was she left alone than suddenly she encountered by the side of the stream an evil spirit, of a pale countenance, but presenting the appearance of a girl scarce seven years old. This [creature], seizing the woman by the left hand with a hand like a horse's hoof, tore the flesh off her arm and flung her, terrified, into the water; then, as she struggled to rise, it dealt her such a gash between the shoulders that a man's fist might easily be thrust into the wound, and as it cruelly handled [the woman], who resisted with all her might, it made some parts of her body black and blue, and other parts

¹ See *Scottish Historical Review*, vi. 13, 174, 281, 383; vii. 56, 160.

² April 10.

³ Tertullian, *de Corona militari*, c. iii.

⁴ *Ad sex miliaria distans*.

⁵ *Villa de Laysynbi*—not identified.

deadly pale, tearing off the flesh, as was said, and as those who saw and touched her have testified to me.

The husband, wondering why she tarried, galloped back [to her], and, finding his wife almost in a swoon, placed her on the horse and took her home. Strengthened through confession and by extreme unction, she showed to all who visited her the humour¹ and extravasated blood, and departed this life on the second week day following.

About the same time, King Edward, having been summoned to present himself in person before the French, caused suitable arrangements to be made at Amboise for his reception; but, on receiving letters from privy friends warning him to beware of being made prisoner, and not to cross the sea, he abandoned his intention; and on the feast of the Lord's Ascension,² contrary to every form of justice, he was deprived of all his lands and holdings beyond the sea, as being liable to forfeiture. Also, the King of France³ issued interdict against the King of England's brother, the Lord Edmund, who had married Queen Mary,⁴ relict of the King of Navarre, that he should not cross the frontiers of the French. Moreover, he tyrannously withheld from the said Queen Mary,⁵ mother of his own wife and royal consort, the terce which belonged to her as her portion of the kingdom of Navarre, unless she would consent to desert her husband (as he in vain expected her to do), and consent to live in foreign parts.⁶ But Gascony, wholly escheated by this proceeding, was consigned for custody and defence to the haughty Charles, brother of the King, about whom it has not yet become known how he succeeded. From this time began the interdict of entry to travellers, and of the purchase of wool and hides from England, and much inconvenience in consequence. Then the Cluniac monks were banished from our borders, and in one day at the same hour, throughout the whole province, an inventory was made and vouched for of the treasures, as well in the houses of the clergy as in the churches—cathedral, urban and rural.

The Lord Edmund had three sons by that lady Queen⁷—the

¹ *Seriem*, in Stevenson's edition; perhaps a misreading for *serum*; but perhaps *seriem*, i.e. a relation of the facts.

² 27th May. ³ Philip IV., *le Bel*. ⁴ Her name was not Mary, but Blanche.

⁵ That is, Blanche.

⁶ That is, foreign from England.

⁷ Edmund, fourth son of Henry III., married secondly Blanche, Queen-dowager of Navarre.

eldest being Thomas Earl of Lancaster,¹ the second Henry Earl of Leicester,² and a third who remained in France with his sister.³

In this year, Friar John of Darlington, of the Order of Preachers, confessor of the late King Henry, was appointed collector of tithes in the realm of England by papal authority. It was by his learning and industry that the great Concordances, which are called Anglican, were published. The same was afterwards made Archbishop of Dublin by papal appointment. In the same year (1294) the miserable Welsh, formerly almost done for, rebelled for a third time, having made Madoc, the bastard son of the last Llewellyn, their prince. Having destroyed three castles, they betook themselves to Snowdon, numbering, as is reported, about eighteen thousand. King Edward marched against them; although he could speedily have brought them to subjection by force, yet, forasmuch as they never dared to meet him in the open, he prudently weakened their resistance by gradually occupying Anglesey and other lands, which he was able to lay waste within the space of one month.

On the commemoration day of S. Paul,⁴ Celestinus the Fifth was created Pope, who, albeit illiterate, was the priest and confessor of his predecessor. Before his election, he had acquired a false reputation for sanctity, because, being grieved for the death of the [late] Pope, he had devised and sought after religion for himself. But, having been created [Pope], he had no intention of acting by the advice of his college, wherefore he betook himself from Rome to Naples. Here he added ten to the number of cardinals, and began many innovations. In his time the Sicilians deposed Charles because of his tyranny, but not before the Pope, with certain cardinals at Naples, when they failed to conciliate James of Aragon, fulminated a terrible sentence against him and the Sicilians who supported him.⁵

Then, after the feast of S. Peter ad Vincula⁶ there happened a sudden stupendous flood in the river of Scotland called Teviot, prognosticating future events at hand, such as we have witnessed

¹ Beheaded in 1322.

² Succeeded his brother as Earl of Lancaster.

³ John, Lord of Beaufort, *d.s.p.*

⁴ 30th June.

⁵ The French Pope Urban IV. bestowed Sicily in 1264 upon Charles, Count of Anjou. The massacre of the French, known as the Sicilian Vespers, took place in 1282, and it was Frederick, not James, of Aragon, who was crowned king of Trinacria in 1296. But as Pope Celestine V. resigned in the year of his election 1294, the chronicler has confused the dates.

⁶ 1st August (Lammas).

before our eyes. For the waters of the Teviot suddenly waxed without much rain, overflowing bridges and lofty rocks, sweeping away the mill below Roxburgh Castle and others, besides everything else that was in their way. Also, the flood broke down the bridge of Berwick, and threw down a tower, even overthrowing all the piers of masonry, and many of the people who were crossing [the bridge] were washed away to sea.

Also on the feast day of S. Matthew the Apostle there was held in London a council of the clergy and a parliament of the people, when the ecclesiastics granted to the king a moiety of their revenues as subsidy for his expedition, and the laity [granted] the third penny of their goods.

Item, the Welsh rose and did much damage. On hearing of this, Edward King of England, unwilling to imbrue his hands with blood, commanded his forces not to injure any of them from Septuagesima¹ till Easter,² and then again to the following feast of S. Lawrence.³ Their prince having been betrayed and taken, the whole of Wales was restored to its allegiance; for the king imprisoned about five hundred of their nobles, who were given as hostages, in various castles of England.

At the feast of All Saints⁴ despatches were received by King Edward from Sir John de St John and Sir John de Bretagne, and the other nobles who had sailed with them for the defence of Gascony, announcing that they had fared successfully, having inflicted defeats on the enemy and captured fortresses wherein they were able to protect themselves.

About the same time, many ships, in numbering two hundred and four score, which had been sent by the King of Spain to the coast of France, were driven by the violence of storms into various parts of England. These were splendidly equipped for war, and heavily freighted with arms, gold, wax, bitumen, timber, and poles. The men of the Cinque Ports having attacked them at great risk to themselves, made a great booty of the lot.

Also on the said festival there departed this life one who was illustrious in name, but not in character, Bovo de Clare; not, as is said, very 'clear' in his death or reputation,⁵ inasmuch as he held innumerable churches and misgoverned those which Christ had committed to his trust, for he was careless in his office of guardian, disdaining the cure of souls, wasting the revenues

¹ 30th January.

² 3rd April.

³ 10th August.

⁴ 1st November.

⁵ 'Clear'—that is 'illustrious': the play is on the word *clarus*.

of the churches, and having so little regard for the Bride of Christ as [to be indifferent] whether the Church should receive enough from her own revenues [to keep] the necessary vestments whole and clean. This might be proved by many flagrant instances, whereof I will record one as an example.

In the famous church of Symunburne, over which he presided, on Easter Day I saw pleated withies, smeared with fresh cow-dung, in place of the panel over the high altar, and this, although the church is rated at seventy marks! Moreover, so wasteful and wanton was he, that he sent to the dowager Queen of France for her jewellery, a lady's coach of matchless workmanship—body and wheels being wholly wrought in ivory, and all the fittings that should have been ironwork were made of silver, down to the smallest nail, the housings, down to the smallest cord by which it was drawn, being of gold and silk. The cost, it is said, amounted to three pounds sterling, but the scandal to a thousand thousand.

At the festival of S. Lucia,¹ Pope Celestinus called together the college of cardinals, and, with the unanimous assent of all, decreed and ordained that it should be lawful for any pope or cardinal to renounce his dignity should he wish to do so. Immediately after this declaration he resigned the pontifical dignity in their presence. Then Charles² caused to be read the Gregorian constitution *de inclusione*,³ and caused a house to be prepared for each of the cardinals, allowing only ten feet [of space] and one servant [apiece]. But, in compliance with the constitution, he waited ten days for three new cardinals who had not yet arrived; and, when these were present on Christmas eve, he shut them all in. Then they all committed their authority in the creation of a new pope to the said Celestine in this wise—that he should nominate four of the cardinals, who, acting for all the rest, should elect the new pope, and that they [the other cardinals] should acknowledge him as elected by themselves to the supreme pontificate. He [Celestine] agreed, and nominated Benedict de Gaytan with three others, who unanimously chose Benedict. A native of Anagni, now known as Boniface the Eighth, he was ordained on the morrow of the Circumcision,⁴ and ordered his predecessor to be arraigned on a charge of heresy. The latter fled in fear to Sicily.

On the vigil of Christmas a few Englishmen, allied with the natives and with some of the King of Aragon's men, recovered

¹ 13th December.

² Charles of Anjou, King of Naples.

³ Prescribing the manner of the conclave. ⁴ 2nd January, 1295.

by force of arms a great part of the land of Gascony, and on the day of the Circumcision¹ Bayonne was restored to their possession, whereupon the English sent to the King of England as a complimentary offering fifty ship-loads of wine.

In the same year on the day before the Ides of February,² Thomas, second of Multon, died, being at the time Lord of Holbeach.

Item, on S. Dunstan's day³ died that most noble lady of pious memory, Dame Matilda of Multon, Lady of Gilsland, mother of the aforesaid Thomas.

The Lord Robert de Brus, a noble baron of England as well as of Scotland, heir of Annandale, departed from this
A.D. 1295. world, aged and full of days. He was of handsome appearance, a gifted speaker, remarkable for his influence, and, what is more important, most devoted to God and the clergy. He passed away on Cæna Domini.⁴ It was his custom to entertain and feast more liberally than all the other courtiers, and was most hospitable to all his guests, nor used the pilgrim to remain outside his gates, for his door was open to the wayfarer. He rests with his ancestors at Gisburne in England, but it was in Annan that he yielded up his spirit to the angels, the chief town of that district, which lost the dignity of a borough through the curse of a just man, in the following way. Some time ago⁵ there lived in Ireland a certain bishop and monk of the Cistercian Order, a holy man named Malachi, who, at the command of the Captain-General of the Order, hastened to that place⁶ where also he died and rests in peace, remaining famous by his tokens. When he died the holy Bernard, who was present, preached with tears an exceedingly mournful sermon, which I have often seen.⁸

Now this bishop, beloved of God, when he had crossed over from the north of Ireland and, travelling on foot through Galloway with two of his fellow-clerics, arrived at Annan, enquired of the inhabitants who would deign to receive him to hospitality. When they declared that an illustrious man, lord of that district, who was there at the time, would willingly undertake that kindness, he humbly besought some dinner,

¹ 1st January, 1295.

² 12th February, 1295.

³ 19th May.

⁴ 12th May.

⁵ About the middle of the 12th century.

⁶ Clairvaux.

⁷ Or 'images' (*signis*).

⁸ It is preserved among S. Bernard's works.

which was liberally provided for him. And when the servants enquired of him, seeing that he had been travelling, whether they should anticipate the dinner hour or await the master's table, he begged that he might have dinner at once.

Accordingly, a table having been dressed for him on the north side of the hall, he sat down with his two companions to refresh himself; and, as the servants were discussing the death of a certain robber that had been taken, who was then awaiting the sentence of justice, the baron entered the hall, and bade his feasting guests welcome.

Then the gentle bishop, relying entirely upon the courteousness of the noble, said—'As a pilgrim, I crave a boon from your excellency, [namely] that, as sentence of death has not hitherto polluted any place where I was present, let the life of this culprit, if he has committed an offence, be given to me.'¹

The noble host agreed, not amiably, but deceitfully, and according to the wisdom of this age, which is folly before God, privily ordered that the malefactor should suffer death. When he had been hanged, and the bishop had finished his meal, the baron came in to his dinner; and when the bishop had returned thanks both to God and to his host, he said—'I pronounce the blessing of God upon this hall, and upon this table, and upon all who shall eat thereat hereafter.'

But, as he was passing through the town, he beheld by the wayside the thief hanging on the gallows. Then, sorrowing in spirit, he pronounced a heavy sentence, first on the lord of the place and his offspring, and next upon the town; which the course of events confirmed; for soon afterwards the rich man died in torment, three of his heirs in succession perished in the flower of their age, some before they had been five years in possession, others before they had been three.

When the said Robert [de Brus] was informed of this, he hastened to present himself in person before the holy man, beseeching pardon and commending himself to him, and thenceforth paid him a visit every three years. Also, when in his last days he returned from a pilgrimage in the Holy Land,² where he had been with my lord Edward, he turned aside to Clairvaux and made his peace for ever with the saint, providing a perpetual rent, out of which provision there are maintained upon the

¹ Early Christian bishops had the privilege of remitting sentence of death on criminals.

² In 1273.

saint's tomb three silver lamps with their lights; and thus, through his deeds of piety he [de Brus] alone has been buried at a good old age.¹

Six days before Palm Sunday,² came Charles, brother of the King of France, to Rioms, whither part of the English had retreated. Now, he came about midnight with 6000 horse and innumerable foot against 400 horse and 7000 foot; and after he had attacked the city, which was stoutly defended, for fifteen days, they³ sallied forth on the advice of a certain old man, gave battle to the enemy and, selling their lives dearly, perished. And thus twelve English barons were taken prisoners, one of them being a traitor; of whom hereafter.

In the same year the Scots elected twelve peers, by whose counsel the kingdom should be governed.

Where no man due obedience feigns
To laws of half a dozen reigns,
The people suffer grievous pains.

The Scots craftily sent envoys to the King of France [conspiring] against their lord, King Edward of England—to wit, the bishops William of S. Andrews and Matthew of Dunkeld, and the knights John de Soulis and Ingelram de Umfraville, to treat with that king and kingdom against the English king and kingdom. The aforesaid envoys took with them a procurator, endeavouring to bring about war. So after the report had reached the ears of my lord the King of England, he was very angry (and no wonder!), and sent repeatedly to the King of Scotland, commanding him to attend his parliament in accordance with his legal obligation both for the kingdom of Scotland and for other lands owned by him within the English realm. But he [John Balliol] utterly refused to attend, and, which was worse, began assembling a large army to withstand the King of England.

On Monday in Passion week,⁴ Sir John Comyn of Buchan invaded England with an army of Scots, burning houses, slaughtering men and driving off cattle, and on the two following days they violently assaulted the city of Carlisle; but, failing in their attempt, they retired on the third day. Hearing of this the King of England sent an expedition against the Scots at Berwick,

¹ Mr. George Neilson has dealt fully with this interesting legend and its confirmation in *Scots Lore*, pp. 124-130.

² 21st March.

³ The English.

⁴ 26th March, 1296.

and in Easter week, to wit on the third of the Kalends of April,¹ that city was taken by the king, its castle also on the same day, and about seven thousand men were put to the sword.

On the octave of the Apostles Peter and Paul,² the magnates, prelates and other nobles of the kingdom of Scotland having assembled, a solemn parliament was held at Stirling, where by common assent it was decreed that their king could do no act by himself, and that he should have twelve peers, after the manner of the French, and these they then and there elected and constituted. There they pronounced forfeiture of his paternal heritage upon Robert de Brus the younger, who had fled to England, because he would not do homage to them. Also they forfeited his son in the earldom of Carrick, wherein he had been infest, because he adhered to his father. They insultingly refused audience to my lord the Earl of Warrene, father-in-law of the King of Scotland, and to the other envoys of my lord the King of England; nor would they even allow so great a man, albeit a kinsman of their own king, to enter the castle.

Also they then decided upon active rebellion and to repudiate the homage done to King Edward, devising how they should enter into a treaty with the King of France so that they should harass England between them, he with his fleet by sea, and they by land, and thus, as they believed, should overcome her.³

Upon this God began to make many revelations to his servants, whereof we perceived the truth in the following year. For at break of day on the sixth of the Kalends of August,⁴ the whole firmament seemed to a certain cleric in Lothian to be overcast with clouds, the wind blowing from the north-east; and presently he perceived red shields coming from the same quarter, charged with the arms of the King of England, which, keeping together, united at the top and joined at the sides, covered the whole expanse of the sky with their multitude. Now while he was marvelling at this with anxious countenance and confused thoughts, he saw in a little while a white and beautiful person appear in the very same region, seated upon an ass's colt, who, approaching exceedingly swiftly and appearing quite nude, displayed the tokens of our salvation on his extremities and side, dropping blood. When the other perceived this, he worshipped on bended knees, and so the vision vanished.

¹ 30th March, 1296.

² 6th July.

³ The treaty is printed in Rymer's *Fœdera*, ii. 695.

⁴ 27th July.

In confirmation of this I will record another vision which a simple citizen of Haddington beheld about the same time. In this wise: he saw, as he stated, a raging fire, coming from the southern quarter of the firmament, suddenly precipitate itself upon Berwick, where it miserably consumed all things. Afterwards, travelling through the centre of Lothian and devastating everything till it came to an arm of the sea. When it reached that, it ascended again to the sky and returned to the south by the same way it came.

In this year the only son and heir of Sir William de Vesci, a comely youth, was taken from the light of this world between Easter and Pentecost; upon whose death the boy's tutor, a certain knight of Scotland, Sir Philip de Lyndesey, son of Sir John, fell into sore melancholy, and, following the melancholy, contracted a mysterious malady, took to his bed at Beverley, and, being miserably racked by the violence of fever for eight days, entirely lost the power of speech, took no notice of those who visited him, and seemed to be bereft of his bodily senses. Yet he took food daily like a maniac from those who put it before him, lying down again after receiving it, and remaining as if asleep. Saint Cuthbert the bishop, commiserating his affliction, appeared plainly to him as he lay on the eighth day and accused him of neglect, saying—'Thou hast deserved the illness which thou hast contracted, for the place which was assigned to me by thine ancestors, and the hermitage which I inhabited of old (the chapel of Innippauym¹ situated on thy land) thou hast allowed to fall into neglect, and from a habitation of holy men to become a stable for brute beasts. But let thy errors of the past be forgiven thee; when thou hast recovered health be thou careful to repair the ruins of my place and to cleanse its defilement.'

Then he [Lyndesey] immediately recovered his speech, and, before anything else, returned thanks to the saint and craved pardon for his lack of diligence. While he lived safe and sound, he often testified to listeners what he had seen.

At this time also there befel a great calamity to the students of Oxford, so much so that many of them died suddenly, and in a single day sixteen corpses or more were carried into one church.

¹ Not identified. Perhaps on the Headshaw Burn in Lauderdale, where is Channelkirk, near Holy Water Cleuch and St. Cuthbert's Well. Here the saint, still bearing his Irish name Mulloch, served as a shepherd lad and saw visions, before he was received by Prior Boisil at Old Melrose, and submitted to the tonsure.

Something equally horrible and marvellous happened then in the West of Scotland, in Clydesdale, about four miles from Paisley, in the house of a certain knight, Sir Duncan de Insula,¹ which may serve to strike terror into sinners and foreshow the appearance of the damned in the day of the last resurrection. Now there was a certain fellow wearing the garments of holy religion who lived wickedly and died most wretchedly, being bound by sentence of excommunication on account of certain acts of sacrilege committed in his own monastery. Long after his body had been buried, it vexed many in the same monastery by appearing plainly in the shade of night. This child of darkness proceeded to the house of the said knight in order to disturb the faith of simple persons and terrify them by molesting them in broad daylight, or, more probably, by a secret decree of God, that he might indicate by such token those who were implicated in his misdoing. Having then assumed a bodily shape (whether natural or aerial is uncertain, but it was hideous, gross and tangible) he used to appear at noon-day in the dress of a black monk and settle on the highest parts of the dwellings or store houses.

And when men either shot at him with arrows or thrust him through with forks, straightway whatever was driven into that damned substance was burnt to ashes in less time than it takes to tell it. Also he so savagely felled and battered those who attempted to struggle with him as well-nigh to shatter all their joints.

Now the knight's eldest son, an esquire of full age, was especially troublesome to him in this kind of fighting; and one evening, when the father was sitting with the household round the hearth, this malignant creature came in their midst, throwing them into confusion with missiles and blows. All the rest having taken to their heels, the esquire attacked him single-handed; but, most sad to say, he was found on the morrow slain by the creature. Wherefore, if it be true that a demon has no power over anybody except one who leads the life of a hog, it is easy to understand why that young man came to such an end.²

¹ Delisle.

² It is not so easy to understand how Christianity retained its ascendancy among reasonable beings, when its doctrines were enforced by such gross and unscrupulous falsehoods as those with which this chronicle abounds.

On the festival of the Nativity of the Glorious Virgin¹ the King of France gave orders to a numerous fleet which had been equipped that it should sail with all speed to burn up England; but through the divine protection and the care of the Queen of Mercy (to whose succour, as is recorded above, the island is committed) the fleet was so severely buffeted by gales in a sudden tempest that it only regained the shores of France with the greatest difficulty. And when two cardinals had crossed to England as mediators of peace, and had obtained assurance from the King of France² that his people would do no injury to the English in the meantime, he [the King of France] was not afraid to break faith, and, cruelly venting his anger upon those who had escaped shipwreck, by his brother's advice put many of them to death. Then he re-issued his command, forced the rest of them to sea again, warning them with threats on no account to return unless they brought with them to Paris the glorious relics of S. Thomas, archbishop and martyr. Then they set out once more upon the waves of the sea, which they seemed to cover with their multitude; nevertheless, none of them all ventured to land upon the coast of England, except only the crews of two galleys, according to what one told me who was there and with his eyes saw what happened. The first of these [galleys], more strongly manned than the rest, surprised the town of Dover and easily overcame it with sword and fire, but in the end derived no advantage from their success, for the inhabitants gathered out of the villages and took possession of the shore, killing them all to the number of 220, and divided the spoil among themselves. The other [galley] also landed at Hythe, having on board nine score armed men with steel caps; these the men of the Cinque Ports attacked with two vessels only and put them all to death in less time than it would take to bake a single biscuit.

And whereas it is declared in holy writ that evil counsel shall fall upon him who deviseth it, just so there took place at that very time a fraudulent conspiracy among the princes of France. For he who, as has been described,³ contrived that twelve barons, his comrades, should be taken by guile, was now plotting against the person of the King of England himself and his kingdom. This deceitful spy, assuredly sent by the King of

¹ 8th September.

² *Rex Galliarum*, usually referred to as *Rex Franciæ*.

³ See the account of the fall of Rioms, p. 278 *supra*.

France, came to England feigning to be an escaped prisoner, and, in order to hide his bitter malice, pretended that he was willing to lay bare to our people the designs of the French. Accordingly, having been admitted to the parliament of London, and after he had investigated the secret affairs of the country, he took two servants and hastened to the coast, intending to cross over. But one of these servants, detesting the wickedness of his master, happening to meet a member of the [royal] household, revealed to him the malicious intentions of the traitor. 'Go,' said he, 'and tell the king without delay that we are hurrying away to cross over, in order to betray England.'

This man delivered the message; the villain was overtaken and arrested, and, having been brought back, confessed his treachery, and, as a just reward, was drawn and hanged.

Now this man was a knight, by name Thomas de Turberville, whom the Lord troubled at that time, because he endeavoured to bring trouble upon England.¹

After this, on the sixth of the Nones of October,² Master Robert of Winchelsea, doctor of sacred theology, who before his creation had been Archdeacon of Canterbury, but now was Archbishop of the same see, returning home with the cardinals from Rome, was received to his diocese honourably by the king, and was enthroned with great pomp in the presence of many nobles.

In like manner, as we know that it is truly written, that evil priests are the cause of the people's ruin, so the ruin of the realm of Scotland had its source within the bosom of her own church; because, whereas they who ought to have led them [the Scots] misled them, they became a snare and stumbling-block of iniquity to them, and brought them all to ruin. For with one consent both those who discharged the office of prelate and those who were preachers, corrupted the ears and minds of nobles and commons, by advice and exhortation, both publicly and secretly, stirring them to enmity against that king and nation who had so effectually delivered them; declaring falsely that it was far more

¹ The chronicler delights in puns which do not bear translation into English: '*Thomas de Turbeville, quem exturbavit Dominus . . . quoniam nismus est turbationem inducere Angliæ.*' Various documents relating to the spy Turberville are printed in the appendix to Stevenson's edition of *The Lanercost Chronicle* (pp. 481-487), including a letter from Turberville to the Provost of Paris, which was intercepted. Turberville paid for his treachery on the gallows. His case is dealt with also by Hemingburgh, Walsingham, and in *Flores Historiarum*.

² 2nd October.

justifiable to attack them than the Saracens. Certain mercenary [priests] also, not really pastors, pretending to be dealers in wool, had crossed over to the country of the French at the preceding feast of S. Lawrence,¹ commissioned by their people to disclose this nefarious plot to the king [of France]. These were the Bishops of S. Andrews and Dunkeld, who, according to the prophetic saying, 'delighted the king by their wickedness and princes by their fraud.' For, not long afterwards, they succeeded in making them believe their falsehoods, and sent letters by their servants announcing that the King of France was most favourably inclined towards them, and that a huge fleet was setting sail with a large force of men, and with arms, horses and provender. In corroboration whereof the Bishop of S. Andrews sent in advance to Berwick many new and valuable arms, and also most sumptuous pontifical vestments, all which we know were seized and taken by the Bishop of Durham's sailors in the very mouth of that port.

Also, to confirm what was said by the holy Job—'the vain man is puffed up by pride, and thinketh himself to be born as free as a wild ass's colt,' this foolish people, yielding credence to these rumours, turned fiercely upon all the English found within their borders, without regard to age or sex, station or order. For the authority of the Church, which was very oppressive, decreed that those rectors and vicars of churches who were of English origin should be ousted and expelled from the country by a given date; also the stipendiary priests were suspended and were sentenced to expulsion with their clerical compatriots. Moreover, the royal authority ejected monks from their monasteries, and unseated those who were in high office; it even forced laymen out of their own houses, confiscating under royal sasine or taxing the goods found therein. Also the biting tongues of certain evil men, who either could not or dared not do injury by force, composed ballads stuffed with insults and filth, to the blasphemy of our illustrious prince and the dishonour of his race; which, though they be not recorded here, yet will they never be blotted from the memory of posterity; for by their aforesaid insolence and oppression they meant nothing less than this—that just as the cry of the children of Israel in Egypt reached the Most High, and he saw their affliction and came down to set them free, so would it now come to pass in these our days. That which the revelations described above

¹ 10th August, 1294.

portend, was also made clear in an open vision manifested at Berwick to the eye of sense before Christmas following. For verily as some little children were hurrying off together to school in that same city to be taught their letters, at break of day, as is usual in the winter season, they beheld with their natural eyes (as they afterwards assured many persons) beyond the castle, Christ extended upon the likeness of a cross, bleeding from his wounds, and with his face turned towards houses of the city. Time coming was soon to show whatsoever chastisement that [vision] indicated.

Also on the night of All Saints¹ the Holy Lord of the Saints destroyed and cast away the ships of the perjured French, under guise of helping them, so as he might show that their expedition was against himself and his people; and this in the following way. For, as the perfidious French (who, as is aforesaid, had suffered reverse already), devised among themselves that, on such a solemn anniversary, neither those dwelling on the coast of the English sea, nor the men of the Cinque Ports would care to miss the church services, they adopted another foolish project, after the example of proud Nichanor, who commanded the troops to arm and the king's business to be transacted on the Sabbath day. And so, preparing in the dead of night to cross the deep sea, while they avoided human observation they incurred divine judgment; for, intending to make a descent upon an unsuspecting people, suddenly they discovered these were safe in the protection of the saints. A fearful storm sprang up from the hand of the Lord, which immediately deranged and scattered them, sending every one on board of those nine score ships to the bottom of the sea, so that not one survived to tell the tale to his children.

¹ 1st November.

(To be continued.)

Discovery of a Lost Portrait of George Buchanan

AN interesting and important portrait of George Buchanan has recently been acquired by the University of St. Andrews.

In October last Mr. J. Maitland Anderson of the University Library, St. Andrews, observed in the catalogue of a London dealer in books, prints, and paintings, this item, 'Portrait of George Buchanan, Scottish Historian and Latin Poet. Preceptor of James I. Painted on Panel, three-quarter length, holding a book in his right hand. It is a very old portrait, but cannot with certainty be said at what period it was painted. Size, 10 in. by 8 in.'

Mr. Anderson brought the entry to the notice of Principal Sir James Donaldson, and with his approval he wrote, asking me if I could examine and report on the painting. On receipt of the letter I went to the dealer, and found that he had what was evidently an old portrait of Buchanan closely resembling that in the National Portrait Gallery, London. I went beyond my commission, and paying the price at which he offered it to me, carried off the prize.

Retaining the portrait in my possession for a few days, I compared it with the painting in the National Portrait Gallery.

The portrait is painted on oak, cut from a larger panel which had probably done duty in the door or other wood-work of an Edinburgh mansion. The top and left side are bevelled, while the bottom and right side show the full thickness of the panel. These cut sides, as well as the whole back, are so blackened by slow combustion due to the action of the oxygen in the air as to indicate that the panel in its present form might be three centuries old.

I have been unable to trace the history of the portrait before it came into the dealer's hands. He informed me that when he moved from his previous house in 1908, he took from the cellar



GEORGE BUCHANAN

Bronckhurst, 1580. St. Andrews University

this painting with some others. After cleaning them, he discovered this one from the writing on it to be a portrait of George Buchanan. He said he had no doubt that he purchased it in a sale-room where he paid for it in cash, and in return received the painting, but no formal receipt. He was therefore unable to give any information as to when he acquired it, or where it came from. It was not framed, and there was no inscription on the back, nothing but that on the face of the painting.

On comparing this portrait with that in the National Portrait Gallery, it became obvious that the two were so closely related that the one must either be a copy or a modified replica of the other.

The size and details of the head and upper part of the bust are identical, but the paintings differ considerably in their other details. The use of a larger panel ($13\frac{3}{8}$ by $10\frac{5}{8}$ inches) enabled the artist to give a three-quarters length figure, while that on the smaller panel (10 by 8 inches) is only a half-length. Buchanan is in this represented as sitting behind a desk or table, with his right hand resting on an upright, slightly opened volume, and his left placed on the table. On the larger panel Buchanan is standing behind a table with the right arm bent and his right hand holding an open book, while his left arm is extended so that the hand rests in a somewhat constrained position on the table.

The same inscription in capital letters, similar in style, is present on the upper part of both portraits, except that the one belonging to St. Andrews University claims to be a year earlier. The inscriptions are:

ÆTATIS 75. ANº 1580.

ÆTATIS 76. ANº 1581.

Dr. Warner, Keeper of the Manuscript Department of the British Museum, after examining the inscription on the London portrait, held that there was no reason for doubting that the inscription was written in 1581. On the authority of this inscription, and on that alone, in the official Catalogue of the Portraits in the National Portrait Gallery, the portrait is said to be 'Painted in 1581; painter unknown.' Dr. Warner's verdict is equally applicable to the St. Andrews portrait, as the style of the lettering in this exactly agrees with that on the London portrait, and it should consequently be held as painted in 1580.

There is, however, another and important view of the matter which I must place before the reader.

288 Lost Portrait of George Buchanan

I had the privilege of showing the newly discovered portrait to Prof. Holmes, Director of the National Portrait Gallery, and his assistant, Mr. James Milner, and obtaining their opinion in regard to it. They were agreed that it was a valuable find and an important acquisition to Buchanan's University, but they were also agreed that it was not an original painting, but a version of some such portrait as that in their Gallery, and that it was painted perhaps as late as 1620. They based this conclusion on the painter's treatment of his subject, and especially on the foreshortening of the hands, which, in their judgment, belonged to a somewhat later period than the date 1580, which his panel bears. I am not competent to form any judgment on this subject, in which they are experts. Nevertheless I lean, as is not unnatural, to the importance of the date as determining the age of the painting. It seems to me extremely unlikely that a painter copying a portrait, fifty years after, with the greatest fidelity, even to the style of the inscription, should have altered the date by one year.

In the chapter I contributed to the *George Buchanan Glasgow Quatercentenary Studies*¹ I pointed out that James the VIth authorised the payment, in August, 1580, of eight pounds to Arnold Bronckhurst for 'Ane pourtraict of Mr. george buchanane' (p. 354). No paintings of Bronckhurst's are known to exist, so one cannot compare the portraits of 1580 and 1581 with any work of his. The date on the painting and the payment in the same year for a Buchanan portrait suggest that Bronckhurst was the artist, and that the St. Andrews panel is the original painting of Buchanan, for which the king paid Bronckhurst eight pounds. In the following year he was appointed painter to the king. The London portrait painted in the same year, 1581, on a larger panel and more carefully finished was, I venture with some confidence to suggest, also painted by Bronckhurst for his royal master, who held his tutor in such high esteem.

WILLIAM CARRUTHERS.

¹ See also *Scottish Historical Review*, vi. 337.



GEORGE BUCHANAN

Bronckhurst, 1581. National Portrait Gallery, London

The Learning of the Scots in the Eighteenth Century

THE most pleasing feature of the renewed interest in Scottish history is the insistence on the importance of the eighteenth century in the national development. The 'Forty-five with its note of romance has too often proved an engrossing theme, unnecessarily emphasising for the general reader and the student the picturesque aspect of our national history, and diverting attention from the main issues of that time. Happily within recent years the old tradition has been broken, and in the work of such writers as Sir Henry Craik, and the late Henry Grey Graham, and in the reprints of Galt, Ramsay, and Cockburn, may be traced the desire for a broader outlook on our more immediate past. Finally, in the third volume of his *History of Scotland*, the Historiographer-Royal has sketched in comprehensive outline the chief forces at work in the century—the growth of industry, the renaissance of Scottish letters, and the awakening of the middle and lower classes to political life.

Of these three features of Scotland's 'most energetic and most various life,' the second was by far 'the most peculiar.' Industrial progress and political agitation characterised Great Britain as a whole, but in Scotland alone was to be found that concentrated literary activity which, within a brief period, produced a series of works destined to enjoy a vogue not only at home but also on the Continent.

The following pamphlet, reprinted from a copy in the British Museum, affords interesting contemporary evidence of the European influence of Scottish writers. There is no means of identifying the patriotic writer who veils himself under the name of Scotus. A knowledge of Italian, as we learn from other sources,¹ was by no means uncommon in Scotland at a time when the *grand tour* was a necessary part of the education of a Scottish

¹ Hume Brown, *History of Scotland*, iii. 72, fn.

gentleman. But we would fain know more of one who in the days of scurrilous abuse of the Scot by the faction of John Wilkes¹ could still commend to his countrymen with sweet reasonableness, 'a thirst of learning' and 'an innocent and useful emulation.' The author of the Essay, Carlo Denina, as his name is now spelt, by his *Revoluzioni d'Italia*, earned the reputation of being one of the leading historians of his time, though 'this work is so superior to the writer's other performances that it has been doubted whether he really wrote it.'²

HENRY W. MEIKLE.

PREFACE.

THE following excerpt (as, probably, the entire work of Signor Carlo Deanina is not yet published in Britain) was thought deserving of the public view. The attention that the ingenious of other nations give to the literary performances of the Scots, and their impartial praise reflect an honour on the genius and improvement of our countrymen, and may be thought to have some effect in exciting a noble emulation, and encouraging the pursuits of literary fame.

Those attentive to the progress of learning abroad and at home, pass over the tools of party, whose works, tho' marked with genius and capacity, are soon buried in oblivion. And those that are fond of the name of author, tho' utterly unqualified to please or entertain the public, are properly punished with that neglect and contempt which their undesired productions have deserved.

By this happy distinction, folly and vanity are exposed; and merit, even without gain, rewarded: And those writings that do honour to human nature, that feed the soul with wisdom, and advance the true happiness of mankind, are alone recommended to the present age; and a presage given of their lasting usefulness or immortality.

Tho' unknown to Signor Deanina, or have come late to his observation, the writings of many more of our countrymen are known to the learned at Rome, and highly valued by them: The Italian translation of Fingal³ will soon be published; and a late work of an eminent judge,⁴ who, having exhausted and unfolded everything in his own science, has set a high example of ingenious and learned inquiry, is read with pleasure, and does honour to himself and to his country.

It is not meant by this publication to inflame any national distinction,

¹ The general tone of the controversy may be studied in the columns of the *Caledonian Mercury*, which reprinted many numbers of the *North Briton*. Wilkes, referring to its comments, characterised them as 'D——d Scotch lies from a Scotch paper.' *Caledonian Mercury*, June 1763.

² Garnett, *Italian Literature*, p. 296.

³ Is this the 'imperfect Italian translation which formed the favourite reading of Napoleon'?

⁴ *Elements of Criticism* ('by Lord Kaimes,' added in ink).

which, at this time, perhaps has been unnecessarily awakened, and is indecently treated. The keenest satire, when gilded with wit, may be swallowed, or even found palatable; but gross scurrility is not the weapon of reason or of virtue, and, like every instance of barbarity, is a disgrace to human nature.

'Tis hoped the praises of ingenuity can give no occasion to jealousy or chagrin, nor have any other effect than to excite a thirst of learning, and promote an innocent and useful emulation.

The English, partial to every work of genius from this country, and which have been encouraged and rewarded chiefly by their munificence, have, without envy, applauded and encouraged the learned of every nation, and have themselves received the most distinguished praise. Of whom it is truly said, and universally acknowledged, That they have invented or improved in every science and every useful art: nor do they cease to add (tho' unobserved by a particular writer) continually to their literary fame.

It may in justice also be affirmed, That, surpassed by none in military virtue, they have gone beyond all others in naval skill and maritime glory: Whilst the sons of freedom in this part of the United Kingdom, co-operating with them in the same pursuits of honour, and united with them in affection and loyalty, reflect with pleasure on the most shining of all national virtues, the love of liberty; by which, ever roused and animated, and jealous of every encroachment, they have been the powerful guardians of our liberty, and of their own.

SCOTUS.

Berwickshire, *April 16th, 1763.*

EXTRACT FROM AN ESSAY ON THE PROGRESS OF LEARNING AMONG THE SCOTS, Annexed to an Essay on the State of Learning in Italy, Published lately in the Italian Language, by Carlo Deanina, a Piedmontese, Transmitted in a Letter from Rome, dated February 5th. Printed in the year MDCCLXIII.

THE vigour of scientific and learned pursuits continued longer in England than in other nations; yet if we consider England properly so called, apart from the other kingdoms whereof Great Britain is made up, it must be confessed that we meet with traces sufficiently evident of that inevitable destiny which extends to all human affairs. For, taking the English alone into account, the number of good writers in our days would be found much less than it was about thirty years ago, if the part wanting in London and the British provinces on this side the Tweed were not supplied by a prosperous growth in the country of Scotland; whose people forming one nation with the proper English, and writing in the same language, suffer not to appear, if we may so express it, to the eyes of other nations, any diminution or decay in the studies of the fine arts.

After speaking of the state of learning in Scotland, for two hundred years after the revival of letters, he adds,

In a word, two entire ages had elapsed from the time of the general revival of letters, before any one could have imagined that this kingdom should have become so distinguished by science and erudition. A learned

Irishman, by his zeal and talents, and a noble and generous duke, were raised up by heaven as the distinguished instruments of causing to spring and flourish in those cold and northern regions what it was once foolishly thought could only shoot with vigour in the warm climates of the Lesser Asia, of Greece or Italy. Francis Hutchinson¹ having come into Scotland to profess philosophy and the studies of humanity in the University of Glasgow, diffused throughout the whole country, by his lectures and discourses, as well as by his excellent printed works, a lively taste for the studies of philosophy and learning.

Without enumerating one by one those sublime geniuses who by new discoveries have illustrated the mathematics or natural philosophy, or have treated them in their books with greater clearness, precision and elegance, such as Simpson, Maclaurin, Ferguson and Cullen, history hath been cultivated amongst them with wonderful and unexpected success, and poetry of all kinds hath flourished greatly.

The name of Thompson, a poet no less eminent in tragic than didactic compositions, will be one day no less known and celebrated than that of Pope. His *four seasons of the year* are already universally read with infinite pleasure by the lovers of good poetry, and his tragedies seem to obscure the glory that Addison had acquired by his *Cato*.

The *Epigoniad* of Mr. Wilkie would have been a most estimable production if it had come to light in other times: But, at present, that *Homer*² is so well known in England, both by the study of the Greek language which prevails there, and by the celebrated version of Mr. Pope, it is no wonder that Mr. Wilkie finds not a greater number of readers.

Blacklock will be to future times a fable, as he is a prodigy of the present; and it will seem a story contrived to puzzle and astonish, that a man wholly blind from three years of age, besides having acquired the knowledge of various languages, Greek, Latin, Italian and French, should at the same time be a great poet in his own.

The great Theatres of London have more than once given their applause to the dramas of Mr. Mallet and of Mr. John Hume.³ Poetry, however, is not that branch of literature which the Scots have cultivated with a glory proper and peculiar to themselves. England, although abundantly rich and well provided of all kinds of excellent books, could scarce reckon among these, as was before observed, a good historian. It was reserved to Scotland to compleat in so remarkable a branch the English library. Who among the *Literati* of Europe knows not, and does not celebrate the works of Mr. Hume?⁴ Who in particular does not read and admire his histories?

¹ *i.e.* Hutcheson.

² David Hume thought that Wilkie's poem 'would almost lead us to imagine that the Scottish bard had found a lost manuscript of that father of poetry.'

³ *i.e.* Home.

⁴ During this year (1763) Hume visited France, where he became 'the idol of Gaul.' The Court honoured him as the upholder of authority, the Dauphin's children reciting passages from his *History*, while the Encyclopaedists welcomed him as the apostle of free thought. *v. Madame Geoffrin, Her Salon and Her Times.*

Mr. Smollet might perhaps have produced to his country a great work of the historic kind, if he had preferred, as is peculiar to great geniuses, [perpetual glory to present gain and]¹ an honourable name to the pay of the bookseller.

But Mr. Robertson hath justly merited unstained and immortal praise, who, having applied himself with extraordinary labour to illustrate the antient Scottish history, together with the most striking passages of the modern, hath by his judgment and accurate discernment signalized himself amongst the noblest writers of that class, and at the same time surpast in elegance of stile not only his compatriot authors, but even the most celebrated native English writers.²

The fact is altogether indisputable that the principal authors who for some years past have done honour to the English literature, and those who do so at present, have been born and educated in Scotland.

¹ Added in ink.

² Cf. Sainte-Beuve, *Causeries*, Lundi 22 août, 1853—Gibbon. 'Il est beau d'entendre avec quelle révérence il parle de Robertson et de Hume auxquels on l'adjoindra un jour.'



Reviews of Books

HISTORY OF SCOTLAND. Vol. III.: from 1689 to 1843. By P. Hume Brown, M.A., LL.D., Historiographer-Royal for Scotland, and Fraser Professor of Ancient Scottish History and Palaeography in the University of Edinburgh. Pp. xi, 497. Crown 8vo. Cambridge: At the University Press. 1909. 4s. 6d. nett.

TEN years have passed since the appearance of the first volume of Professor Hume Brown's *History*, now happily complete. To his other distinctions the author now adds the title of Historiographer-Royal; and it is not difficult to discern the qualities which have won him that decoration. In the first place, he is a life-long student of Scottish history, an experienced Record scholar, and the head of our budding palaeographical school. Secondly, his judgment, while like all human judgments it has its special standpoint, is eminently calm and scrupulously fair. Thirdly, the continuity and homogeneity of our national development are more to him than the most exciting episodes, the most picturesque persons or the most puzzling problems with which he has to deal; he sees his subject steadily and sees it whole. Lastly, for him the history of Scotland is itself and something more—it is Scotland's contribution to the history of Europe. In the present volume all these excellences are seen; but I venture to think that they are not seen to such advantage here as elsewhere in the author's works.

Where should a history of Scotland terminate? It depends partly on what we mean by history. The state history of Scotland stops in 1707. The romantic history comes down, like Hill Burton, to 1746. The social history is working itself out still. Necessarily, therefore, the subject of the greatest part of this volume must be social progress. And the period with which it deals witnessed developments, material, moral, and intellectual, of deep interest and far-reaching significance. To Professor Hume Brown none of these things are uninteresting, as his previous volumes prove. But it is not possible to do justice to eighteenth and early nineteenth century social history on so small a scale; and each of the three branches indicated really demands a specialist to treat it. On the intellectual development the author is himself a specialist; his account of it may be regarded as adequate; and for general history it is the most important, though for local history the least so. On the others we are given not more than enough to show what he could have done if he had devoted himself to either of them; a few facts, always suggestive, and a few generalisations, nearly always sound. To the moral sphere, indeed, belongs the most striking passage in the volume, that in which the respective tendencies of

the 'Moderate' and 'High-flying' parties in the Established Church of Scotland are set forth. But of the forces which were gradually transforming the ways of life and of thought of the 'silent classes' in town and country, we learn little or nothing. Still—we get so much, that it seems ungrateful to wish for more.

From what standpoint should the history of Scotland be written? All standpoints are legitimate, but all are not appropriate. I should say that the most fortunately situated is he who can take (not necessarily in a missionary spirit) the winning side in the great national crises—in 1314, in 1560, in 1688; and who can survey periods of gradual change from the position towards which things can now be seen to have been tending. The former qualification has been fulfilled in the previous volumes of this work; the latter is plainly present in the new volume, up to and including the last chapter but one. Up to 1832 his standpoint vindicates itself, a better could not be chosen. But when we come to the 'Ten Years' Conflict' we are in another world, and the value of the narrative and commentary is more doubtful. The judicial attitude is maintained, but only by believing each side in what it says of the other. We are told that the parties which separated in 1843 represented 'an essential difference of spirit, which involved opposing conceptions of life'; yet at the foot of the same page we read of 'the gradual assimilation of spirit and doctrine in the principal religious bodies.' Surely differences which tend to disappear with the diminution of friction, are not rightly described as essential differences. If while on the old questions the old cleavage remains, in dealing with new questions both churches use the same methods in the same spirit, that does not suggest opposing conceptions of life. I conceive that the historian of the 'Disruption' and its antecedents who can discern in the opposing camps an essential identity of spirit and a conception of life fundamentally the same, through the inherited differences and the bitterness engendered by long controversy, could give a truer and a kinder account than Professor Hume Brown has done.

Again, while the author so skilfully sets forth the share of Scotland in European history, his temptation seems to me to be to abstract his mind and the minds of his readers from the more familiar and not less important fact that our history is a part of the history of Great Britain. Ever since England attained political unity, the greater country has not ceased to exercise a sort of moral attraction of gravitation upon the lesser. The Union left this force freer to act; but at first, the education of the gentry and of the professional classes being more or less cosmopolitan, it affected the trading community more than 'Society.' I venture to think that this helps to explain the attitude of the Lowlands in the '45. Be that as it may, there is a remarkable instance of the tendency which I deprecate on p. 404, where it is said that when *Blackwood's Magazine* was started 'the *Edinburgh Review* had now an effective rival.' The *Quarterly*, being published in London, does not count.

Lastly, while mistakes in our author's work are rare indeed, a respectable list could be compiled of passages where he has not said quite what he meant to say. Most such slips the attentive reader can easily put right

for himself; I confine myself to two which puzzled me and sent me to the sources for elucidation. At p. 179 it is said that when the Jacobite army in 1715 reached Penrith, they were met by 'the *posse comitatus* of Westmoreland to the number of 14,000 men'—a *levée en*

Clarke's *Journal* says 'the *posse comitatus* of Cumberland, and the militia of Westmoreland, Cumberland and Northumberland.' The other is in the footnote to p. 132. 'It was a common saying that the secretary of the Privy Council was *de facto* King of Scotland.' The personage intended is the Secretary of State, whose power consisted in this—sitting in London he sent down his orders to Edinburgh, which the Council had to carry out; they were in a sense his secretaries, he in no sense theirs.

But fault-finding, always an ungrateful task, is especially so here. All drawbacks deducted, Professor Hume Brown's book remains a monument of wide learning wisely used; clear, sensible, temperate, well-arranged and well-proportioned; a real acquisition to Scottish literature, and I hope he will forgive me for adding, to English literature also.

J. MAITLAND THOMSON.

A HISTORY OF THE INQUISITION OF SPAIN. By Henry Charles Lea, LL.D. Vol. III. pp. xi, 575. Vol. IV. pp. xii, 619. 8vo. New York: The Macmillan Co. London: Macmillan & Co. 1907. 10s. 6d. nett per vol.

THE INQUISITION IN THE SPANISH DEPENDENCIES. By Henry Charles Lea, LL.D. Pp. xvi, 564. 8vo. Same Publishers. 1908. 10s. 6d. nett.

AUTO DE FÉ AND JEW. By Elkan Nathan Adler. Pp. 195. Demy 8vo. Oxford: At the University Press. 1908. 5s. nett.

THE pen of Dr. Lea, in the truest sense a great historian of the Inquisition, is forever laid down, but his work goes on, and even his direct contribution to history is not yet closed. We are promised the issue of some of his studies left still in manuscript, when in ripe but unwithered old age he died on 24th October, 1909. The three volumes first enumerated above complete the long tale, the telling of which cost him so many years, so much sustained effort, and such deep and far ramified search in ecclesiastical archives of Europe and America. A brief note of his chief publications was given in a review (*S.H.R.* iv. 322) of the first two volumes on the Spanish Inquisition. Needless to say the third and fourth volumes are conformable to the first and second, alike in width of grasp, the elaborateness of far-sought material, the impartiality, if not rather generosity, of the handling, and the broad sagacity and ripeness of the author's judgment.

The Inquisition was a theme which for long enough has been painted in the blackest colours. Dr. Lea steadily sought to use no pigment at all: he gathered the facts; and so vast is the collection of them, so inevitable the autobiography of the institution which they constitute, that without a word of denunciation, but rather with a zealous searching for the best motives in all cases, the author, in his extraordinary reserve of judgment, as at the close one feels, was abundantly justified. The verdict rises irresistibly from the array of fact.

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Volume III. deals primarily with the terrible use of torture and the stake. The Inquisition was neither responsible for introducing torture nor exceptionally severe in applying it, and charity, if not even justice, entitles the tribunal to the excuse of only following an ancient and almost inevitable although bitter precedent. On the other hand, the mechanism of trial emerges from close scrutiny with little credit. Although counsel was allowed to the accused, he was crippled at every turn in his attempts to prove his innocence, and the whole scheme was warped by the virtual identification of the tribunal and the prosecution. Great pressure was brought to bear to procure an acknowledgment of guilt, and the procedure at many points suggests a close likeness to the confessional. A strange feature in the system was the prosecution of the dead, who were tried in effigy, and whose effigies were burnt with their bones when the issue was a condemnation for heresy. This gross usage was an inheritance from Latin jurisprudence.

Naturally the infinite variety of offences coming under the cognizance of the tribunals was reflected in the diversities of penalty, rising from mere reprimand to scourging, the galleys, perpetual imprisonment, and death by fire. The last, as the characteristic punishment of obstinate heresy has its first recorded instance in 1017 at Orleans; in Spain it made its way into Spanish statute in 1197, and it formed part of the baleful heritage of the Inquisition. Heretics, however, were not directly punished in this mode by the Inquisition, they were 'relaxed' to the secular arm. The 'limb of the devil' was burnt not by ecclesiastical but by 'secular justice,' which latter, however, had no choice, being only the executive of the grim and reverend tribunal. But the crowning function and display of the institution was the Act of Faith—the Auto de Fé—an elaborate public solemnity designed to inspire, awe, and impress the sense of mysterious authority. Procession and spectacle under the standard of the Inquisition; the majesty of the court; the sentences of penance or relaxation; sermon, exhortation, denunciation, warning; the oaths taken by the populace to obey the Holy Office—all these were preliminaries to the handing over to the secular bonfire of the bones, the persons, or the effigies of heretics, not complete until their ashes were scattered over the fields or into running water. In its action at first against Jews, later against the Moriscos, and last of all against Protestants, the Spanish system found its almost exclusive occupation, and a pitiful tale the record of that activity makes. On guard against the exaggerations of some earlier annalists, Dr. Lea has preferred to err rather on the side of understatement than of excess in the statistics which tell how the victory over Judaism was won, the Moriscos exterminated, and Protestantism suppressed. A long chapter on the Censorship establishes only too clearly how profound was the influence of that engine of repression in maintaining superstition, excluding foreign thought, and hindering human progress. It was the intellectual ruin of Spain.

Volume IV. traces the course followed in what De Spina called the *Bellum Demonum*, the subjects of Mysticism, Sorcery, pacts with the devil, and Witchcraft, on every one of which there is assembled a masterly series of examples to mark the road the inquisitors took. It is one of the few

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great points to their credit that they so early recognized the subjective character of the illusions of witchcraft, that they therefore frequently discouraged prosecutions, and that in consequence the very lands in which the Inquisition was most thoroughly organized 'escaped the worst horrors of the witch-craze.' A painful chapter deals with the thorny and delicate topic of Solicitation in relation to the confessional. Short and attractive surveys are offered of the political influence of the Inquisition and its application to matters so far apart as its service as a sort of *haute police*, supplementing secular government, its persecutions of Jansenists, Freemasons, philosophers and blasphemers, and its perpetual intrusion into affairs of the secular world where spiritual considerations could hardly be said to exist. A final section traces the decadence and the growth of that spirit of protest which, long restrained, at last made itself authoritative in the declaration by the Cortes in 1813 that the Inquisition was incompatible with the Constitution, and thus made easy the definitive abolition of 1834. The last chapter of all weightily sums up the author's retrospect, his review of the causes, origin, objects, direct results and general influence—'almost wholly evil'—of the great institution, and sadly draws the lesson that man's attempt to control the conscience of his fellows reacts on himself. 'Never,' he says, 'has the attempt been made so thoroughly, so continuously, or with such means of success as in Spain, and never has the consequent retribution been so palpable and so severe.'

Wherever Spain went she carried with her this institution, and wherever the tree was planted it grew the same unprofitable fruit. Spanish Dependencies included Sicily, Naples, Sardinia, Milan, The Canaries, Mexico, Peru, New Granada. Into Sicily the Spanish Inquisition was introduced in 1487. Into Naples, conquered in 1503, it was introduced in 1509, into Sardinia in 1492, into the Canaries in 1505, into Mexico and Peru (as a preventive of the Reformation) in 1570, and into New Granada (Colombia, South America) in 1610. At Milan the effort of Philip II. to instal it in 1563 failed owing to popular hostility and papal reluctance. The more Spanish the province the firmer hold the Inquisition laid upon it, and the entire story of the system might almost as well be gathered from the records of the Spanish colonies in the New World as from those of the mother country in the Old. In the New World, too, it survived almost as long as in Spain itself. Mexico and Peru saw its extinction only in 1820, and New Granada in 1821. Generation after generation might execrate, but the sad fidelity of Spain to 'Old Christian' tradition even in abuses was a constant barrier against liberty, not the less effective because of the public demoralization consequent on a degenerate and secularized church.

The great sobriety and absolute trustworthiness of Dr. Lea's facts and opinions receive convincing tribute in Mr. Adler's book named last on the list at the head of this notice. It reproduces the substance of articles written for a Jewish magazine, and is a sketch of the Inquisition in Spain and Portugal 'more particularly in regard to the Crypto-Jews who came within its purview.' The fact that its object is avowedly corrective, to emphasize the sufferings of the Jews under the Inquisition, and to show

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that Dr. Lea's figures always lean to the side of underestimating the victims, may be taken as of itself a handsome compliment to the fairness of mind of Dr. Lea towards the institution and of his freedom from bias against it. Mr. Adler has made some research of his own in Spain and several facsimiles are given of fresh documents and prints, while the known sources of Inquisition history are still further extended by a bibliographical list of authorities in MS. and print. The general tendency of Dr. Lea is to regard the vehement Llorente, the standard authority on the subject, as greatly exaggerating the cruelties of the tribunal. Mr. Adler denies that Llorente was extravagant, and, with great respect towards Dr. Lea, defends the probability of the former's summation of the havoc wrought by the tribunal, whose victims Llorente computes as including nearly 32,000 persons burnt at the stake. An agreeable feature of Mr. Adler's work consists of occasional personal references to Dr. Lea himself, his helpful courtesy, and the immense collection of manuscript and printed material in his unique library—one of the sights of Philadelphia.

On his death American publicists immediately paid ungrudging tribute to Dr. Lea's distinction. Professors Goldwin Smith, W. M. Sloane and E. P. Cheyney were among the number. Prof. Sloane wrote that as a master in his field he was 'recognized as dean of American historians.' The press was lavish in its commendations of him and, while not forgetful that he was a millionaire,—a rare fact indeed among historians—sought rather to do justice to his fine character, his breadth of public spirit, and his massive achievement as an unwearied scholar in medieval religious history. Born in 1825, and privately educated, he became a partner of his father's firm as a publisher in 1851, retired in 1880, and steadily devoted the last thirty years of his life to those pursuits in history which have given him so eminent a place on both sides of the Atlantic. Lord Acton long ago said noble words in his praise. A singular quality of his work was its steady maintenance of the same unemotional, never exaggerated, always judicial plane throughout, with a resulting equality of style and workmanship. He never deteriorated in controversy or fell below himself. A preliminary Memoir is already near completion, and a fuller biography is designed. The writer of this notice recalls with keen and grateful interest a long succession of kindly and gracious letters dealing fluently, simply, yet weightily with medieval phases of superstition and the influence of its tradition on modern history and ways of thought. Lea's alertness and sympathy of insight for the present served admirably to check and balance his judgments on the past. That calmness of standpoint so distinctive of his historical writings equally animated his more personal communications. It was no mere literary artifice; it was temperamental. In a recent number of the *Revue Historique* M. Salomon Reinach, noticing his death, surveys his career and connotes the appreciation of leading French scholars. He concludes with a reference to him as a correspondent. 'I have had the honour for ten years,' he says, 'of receiving letters from Lea. They gave me even more than his books the impression of a serene intelligence, of a stoical character, and of an unreserved devotion to science and the cause of liberty and progress.' America itself appears to recognize

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the magnitude of his work, and there appears to be little or no hyperbole in the estimate which designates his *History of the Inquisition* as 'the greatest historical work yet produced in America.' GEO. NEILSON.

DE UNIONE REGNORUM BRITANNIAE TRACTATUS. By Sir Thomas Craig. Edited from the Manuscript in the Advocates' Library, with a Translation and Notes by C. Sanford Terry, M.A., Burnett-Fletcher Professor of History in the University of Aberdeen. Pp. xii, 497. Demy 8vo. Edinburgh: Printed by T. & A. Constable for the Scottish History Society. 1909.

THE accuracy of the Latin text of Sir Thomas Craig's manuscript here printed for the Scottish History Society is sufficiently guaranteed by the name of Mr. J. Maitland Thomson, who has collated the text with the manuscript, and has added a note on its diplomatics. The text was originally to have been edited by Professor Masson, of whom an excellent portrait faces the title-page. On his death an admirable substitute was selected in Professor Sanford Terry, one of three English scholars who fill the three chairs of General History—in the broad unrestricted sense of the term—in the four Scottish Universities. When those chairs were founded—now sixteen years ago in the case of Edinburgh and Glasgow, and about eight years ago in the case of Aberdeen—it was confidently anticipated that a much-needed stimulus would be given to the scientific study of history at these seats of learning; and also that the application of the methodology and equipment for which Oxford and Cambridge scholarship is famous would throw a flood of new light on the dark places of Scottish History. For Scotland, once renowned for the masterpieces of Boece and Major and Buchanan, and at a later date for those of Hume and Robertson, had failed to keep pace with the advance in scientific methods of historical research achieved at Oxford and Cambridge; while these English Universities in turn did not profess to teach their ordinary pass-men, or even their honours men, palaeography, diplomatics, heuristics, and their kindred sciences in the sense in which these terms are understood at Berlin or at the Sorbonne and *Ecole des Chartes*.

The well-directed, indefatigable labours of Professor Terry, in many different aspects and departments of Scottish History, have done much to justify the sanguine anticipations of those who were instrumental in the erection of these Scottish chairs. Whether judged by their volume, or by the quality of the workmanship, Mr. Terry's writings, published both in permanent form and in the transactions of learned societies and reviews during the last eight years, form a notable personal achievement, a valuable contribution to the subjects discussed and a stimulus to original research among the sources of Scottish History. Acknowledgment is the more heartily due to him from the fact that he has mainly selected for his labours periods or topics that recommend themselves by their intrinsic value rather than by any appeal they are likely to make to the prejudices of the general reader. He has preferred, for example, to investigate the technicalities of the Scottish Parliament and the details of the Cromwellian Union rather than to covet popularity by illustrating such careers as those of Mary Queen

of Scots or Prince Charlie. While his works have therefore found appreciative readers among specialists, many of them have not yet found their way into the hands of a wider circle. His contributions to Scottish history, however, are of permanent value, and the recognition accorded them is likely to increase rather than to diminish.

His latest work as editor and annotator of the text of Craig's *Tractatus* is a new proof of the wide range of his interests. This treatise, the chief value of which is antiquarian rather than literary, embodying, as it does, the views of English and Scottish history entertained by a highly educated Scottish gentleman and Advocate in the beginning of the sixteenth century, was written by Sir Thomas Craig in 1605, or soon after his return from London, where he had attended the Conference of Commissioners, met to adjust, if possible, terms of more complete Union, in furtherance of an ambition dear to the heart of King James. The *Tractatus* is, from start to finish, a piece of special pleading in favour of the Union, intended primarily to stir up interest in the subject north of the Tweed, and to refute possible objections from whichever side they might come. In twelve chapters, the arrangement of which necessitates a certain amount of repetition, Sir Thomas dilates upon the advantages of a closer incorporation, going over some of the main facts in the history of both countries, with the view of showing the calamities that have come to both from their separation and mutual strife. He lays stress on the benefits of Monarchy (especially as exemplified in the person of James); the efforts of earlier kings to effect a union; the antiquity of the Scottish nation, and its pre-eminence in literature and war. It is, perhaps, to be regretted that the glimpses which he gives of the life and manners of his own time are few in number. He tells, indeed, of the courtesy and spirit of mutual accommodation shown by the two sets of commissioners and of the goodwill of the Londoners wherever the Scotsmen went outside the conference (p. 277). He speaks also of his own personal recollections of a time when Gaelic was the language commonly spoken throughout the shires of Stirling and Dumbarton (p. 288). These, however, are rare exceptions. Some of his shadowy theories of early history, and his somewhat tedious arguments (as when he disproves, at inordinate length, St. Jerome's supposed assertion that Scotsmen lived on human flesh) might have been omitted by Sir Thomas without loss, to make room for a fuller account of contemporary opinions and tendencies.

The translator's work has been well done. The English version—somewhat free in places—has the vigour of an original narrative. The notes are numerous, well-directed, and on the whole extremely accurate. Error after error of the author is corrected unwearyingly in the light of recent research. More trouble, indeed, is sometimes expended on correcting the casual, careless, off-hand statements of the seventeenth century writer than they are always worth.

Perhaps the most important and interesting part of the Tractate is the sixth chapter, which professes to explain how far the laws of England and of Scotland respectively resembled each other, with the avowed intention of reducing differences to a minimum.

Although there is evidence that Professor Terry has taken special pains

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to attain accuracy in this difficult portion of his undertaking (his preface, indeed, gratefully acknowledges that he has enjoyed the benefit of the opinion of counsel), errors in considerable number have here crept in. Bishop Henry of Blois, for example, was not the nephew, but the brother of King Stephen (p. 298), '*disrationari*' means 'proof' (or 'disproof,' as the case may be), not 'judgment' either 'considered' or otherwise (p. 89); '*essoniare*' does not refer to 'recognisances' (as translated on p. 328), but is quite correctly translated and explained by Mr. Terry himself in another chapter (p. 348). The general impression, indeed, given by the notes to Chapter VI. is that the editor and his legal advisers, while thoroughly versed in the principles of Scots law, are comparative strangers to the technicalities of the English system of jurisprudence. Many of Craig's minute errors in the former are carefully corrected, while wild statements about English law are left unqualified. Some warning should have been conveyed to the reader that Sir Thomas Craig, acting throughout as a special pleader, has given a completely misleading account of the relations between the two systems, neglecting wide differences and alleging the existence of a uniformity which the facts of the case do not warrant. Craig's sweeping, and, indeed, reckless identification of the root principles of the two systems as regards family law, succession (testate and intestate), and land tenure ought not to have passed unchallenged. On the branch of law last mentioned reference might, for example, have been made to a series of admirable articles on 'Land Tenure in Scotland and England' by Mr. R. Campbell, that appeared in the first two volumes of the *Law Quarterly Review*, where the divergent tendencies at work in the juristic conceptions of the two countries prior to the seventeenth century are well brought out. It might have been well also to have corrected Craig's one-sided account by making some mention of the fundamental differences in the procedure of the English and Scotch Courts respectively; and the peculiarities of English justice, in setting up a complete system of Equity beside that of the Common Law, ought to have been mentioned. Some warning might have been expected also as to the dangers of identifying the Scottish sheriff with his English namesake, or of expecting to find, north of the Tweed, anything corresponding exactly to the English coroner, or to the southern conception of 'the King's peace.' To have supplemented adequately, however, this sixth chapter of the *Tractatus* would, perhaps, have required a volume to itself. It would be unfair to expect from Professor Terry a detailed acquaintance with two systems of jurisprudence, in addition to the wide and varied tracts of historical knowledge of which he has made himself a master.

He is to be congratulated on completing a useful task with all the scholarly care and thoroughness which characterise everything he attempts.

WM. S. McKECHNIE.

L'ARMURE ET LES LETTRES DE JEANNE D'ARC. By Charles Roessler. Pp. 42. With Illustrations. Med. 8vo. Paris: Picard. 1910.

M. ROESSLER's *brochure* in French is in every way better than his earlier pamphlet in English on the armour of Jeanne d'Arc. In 1901 M.

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Roessler observed a flat sculptured slab of stone, with an inscription, in the crypt of the Abbey of Saint Denys. The words were : 'Ce qui *estait* le *harnais* de Jehanne par elle baille en hommage à monseigneur Saint Denis.' In French of 1429-1460 we expect *estoit*, and, I think, *harnois*. Meanwhile the slab has been painted and gilded. There is no doubt that, in September 1429, after her wound at Paris, she dedicated at Saint Denys a sword and a suit of armour. But, on the slab, she holds a huge halbert and a sperth or battle axe, of which the crescentine blade stretches from her knee to the ground. This is not the light steel sperth that swung from her saddle in the description by Guy de Laval (June 1429). As for the bulky, bulgy armour, I leave it to experts. It bears the mark NI in Roman capitals, the letters are thought to be the monogram of Negretti or Negrelli, a Milanese armourer at the end of the fifteenth century. M. Roessler quotes all the familiar contemporary passages about the armour of the Maid. But a halbert she never is said to have carried, her sperth was little and light, and she dedicated a sword. The slab shows halbert, or huge battle axe, and no sword. If the *a* was put into *estait*, and if the slab was painted and gilt, during or before the 'restorations' of Viollet-Leduc, it is odd that there was no paint or gilt on the stone when M. Roessler observed it in 1901. I do not form any conjecture as to the date of the inscription, beyond that warranted by the monogram of the armourer, say 1490-1510 in round numbers. M. Roessler adds remarks on the sword once possessed by the Comte de Maleissye, a descendant of a brother of the Maid, and on her signatures, already the topic of a very interesting tract by M. de Maleissye. The book is limited to 200 copies, and ought to be acquired by all collectors of works on the Maid. The illustrations are many and serviceable.

A. LANG.

THE DUKE DE CHOISEUL, the Lothian Essay, 1908. By Roger H. Soltau. Pp. 176. Post 8vo. Oxford: B. H. Blackwell. 1909. 2s. 6d. nett.

THE Duke de Choiseul is one of the most attractive personages for the historical student to select in the second half of the eighteenth century. He may not rank among the greatest statesmen of France, but by his skill as a diplomat, by his energy, and by his organizing genius at the head of the ministries of war and of foreign affairs, he brightened up the dark days of the rule of Madame de Pompadour.

This volume has been a work of love for the author, who presents us with a compact, well-filled and well-written narrative of the life of the Duke from his birth to his death. The complicated and widespread events of that period must have created difficulties in the construction of the work. The division by main subjects has been adopted, and is the best: we are taken first through the Seven Years' War, then through the French policy in America, Corsica and Poland; then the important reforms in the army, navy and colonies are dealt with in one chapter, and the next brings us to his downfall after the expulsion of the Jesuits and his difficulties with the Parlements. This entails overlapping of dates, which was unavoidable,

but the confusion would be lessened if each chapter began with a dated summary of events.

The book is so full of trustworthy information, well vouched for by authorities, that it deserves to be used as a book of reference, but—where is the index ?

F. J. AMOURS.

THE ROMAN FORT AT MANCHESTER (pp. xvi, 356), and **EXCAVATIONS AT TOOTHILL AND MELANDRA** (pp. viii, 52). Edited by F. A. Bruton, M.A. The Classical Association of England and Wales, Manchester and District Branch, Second Annual Report. Medium 8vo. Manchester : at the University Press. 1909. 6s. nett.

MR. BRUTON is one of a small band of enthusiasts who have recently been doing some very useful digging on various Roman sites in the north-west of England. He was a prominent contributor to the report on Melandra Castle, issued two or three years ago by the Manchester Classical Association. Now he appears as editor of a similar report upon the Roman remains of Manchester itself, and also of a supplementary volume on excavations at Toothill and further explorations at Melandra. Both books are built upon the same model. That is, each consists of a series of independent essays dealing with different sides of a common theme. Indeed, so far has the principle of division of labour been carried that the latter half of the leading volume is actually separately paged. This may have been due to an accident. But it suggests that Mr. Bruton was not armed with the plenary powers that all good editors ought to possess. And the suspicion is confirmed by the repetitions that occur throughout, as well as by the intrusion of not a little that is hardly germane to the subject. The book would have been considerably improved if Mr. Bruton could have plied the pruning-knife as energetically as he can wield the spade.

Regarding Toothill there is not much to say. Though there is no Edie Ochiltree to 'mind the biggin o't,' it is clearly not Roman, and this the Association have demonstrated at very small expense. The additional work done at Melandra was also of real value, and it will be more valuable still if it whets the Association's appetite for a thorough-going examination of this interesting enclosure. Incidentally, it may be noted that the 'pit' in which building-stones and a fragment of an altar were found, was in all probability the well of the Principia : its position is just right for this. The excavations on the site of the Manchester fort were conducted under very difficult conditions. It says a great deal for the spirit animating the Association that they were entered upon at all. Everything considered, they were justified by their success, even if they suggested more problems than they solved. The record of results is presented to the public in a dress which may well make the mouths of less fortunate investigators water. The illustrative plates number more than one hundred, although it must be remembered that the objects shown are not all from the fort or even from the Manchester area.

As for the printed matter, we refrain from entering on the delicate philological ground that Professor Tait has trenched. But we cannot help reminding Mr. Williamson that the altar which he cites from

Chesters is not the only Roman inscription that has been discovered in Britain since the publication of Hübner's volume of the *Corpus*; he would have found it to his advantage to consult more recent sources. Canon Hicks writes brightly on Mithras, but his article is too obviously adapted for the consumption of archaeological babes and sucklings. Mr. Bruton's own descriptions of the excavations and of the objects found are made of sterner stuff, and the sketches of the pottery (drawn by Mr. Phelps) are good and useful. By the way, surely a list of references to the use of sods in the Antonine Vallum (p. 73) ought to include a citation of the Glasgow Archaeological Society's Report. Again, we do not think that the Romans laid down wrought clay within the area of their forts merely 'to level up' (p. 75); its purpose was rather to prevent the surface from degenerating into a quagmire in wet weather. Mr. Phelps's account of the objects in the Ellesmere Collection touches many points of importance. The Lesmahagow flagon in the Hunterian Museum is, however, hardly 'similar' to the Manchester example (p. 162); it is so much larger and finer that it belongs to a different class.

The Catalogue of the Coins by Professor Conway and others is very elaborate. We should gladly have seen some of the detail sacrificed, if necessary, in order to admit of allusions to literature more recent than Cohen. Lack of space precludes us from entering here upon general questions. We must limit ourselves to two particular points. If the bronze piece of King Pyrrhus catalogued on p. 83 is correctly described, it is either entirely novel or a forgery. No. 319, which 'does not appear to be known to Cohen' (p. 121), is (as Mr. Heywood seems to have pointed out) simply an ordinary billon coin of Alexandria, and its exclusion from the *Médailles Impériales* is therefore deliberate; the 'two signs' on the reverse are LA (= Year 1), the former being probably a tachygraphic symbol for *ἔτους*.

GEORGE MACDONALD.

ABERDEEN FRIARS: RED, BLACK, WHITE, GREY. Preliminary Calendar of Illustrative Documents. Compiled by P. J. Anderson. Pp. 157. 8vo. Aberdeen: Taylor & Henderson. 1909. 5s.

THIS volume is more than the colophon, quoting Browning, claims—'a book in shape, but, really, pure crude fact.' Until the resolution, adopted by the Spalding Club so far back as 1847, to print the Charters and other muniments of the Houses of the Trinity Friars, Friars Preachers, Carmelite Friars, and Franciscans in the City of Aberdeen is carried out, it will be an indispensable authority on any point relating to the Mendicant Orders in Scotland in the Middle Ages.

Aberdeen was a centre favoured by the various Orders of Friars. While Edinburgh had only Dominicans and Franciscans—the Carmelites at Green-side for a few years in the sixteenth century hardly count—and while Glasgow had likewise only the same two Orders, Aberdeen could reckon four. Hence the wealth of documents extant in four different Charter-rooms, namely those of Marischal College, the Incorporated Trades, the Burgh, and King's College. These have all been calendared, and in addition the entries anent Friars in the various registers preserved in the Register House

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and also in the Advocates' Library, Edinburgh, have been incorporated, thus increasing the completeness and value of the work. To the Calendar proper an Appendix of *Accounts in print of Scottish Friars* has been added, and this, although not exhaustive, will prove serviceable.

Items, to which the personal element gives colour, are not absent. For example, in 1522 we find a 'Charter by William Blinseill, cowper burgess, granting to the Trinity Friars for the weal of the souls of himself, his wives, Margaret Challmer and Annabell Scrogis, his parents and others, especially those whose goods he had unjustly obtained, an annual of 13s. 4d. Scots from his house on the south side of the Shiprow.' Again, Letters under the Quarter Seal in 1554 are calendared 'presenting to the Town Council Alexander Reid in Cults as their vassal, in place of Thomas Reid, who had drowned himself.'

On page 46 the place of dating a Charter of June 10, 1480, by the Carmelites is given as 'Buffnok.' This, it may be suggested, is a misreading for Luffnos (Luffness). The White Friars had a Convent at Luffness in Haddingtonshire.

The completeness of the index deserves acknowledgment, and the Map of Aberdeen forming the frontispiece, which is based on Milne's map of 1789, adds to the value of the work, as it enables the reader to locate the four Friaries. Mr. Anderson's volume, which is published by means of a research grant by the Carnegie Trust, will prove of importance to all students of the Ecclesiastical history of Scotland in early times.

JOHN EDWARDS.

GEORGE I. AND THE NORTHERN WAR. A STUDY OF BRITISH-HANOVERIAN POLICY IN THE NORTH OF EUROPE IN THE YEARS 1709 to 1721. By J. F. Chance, M.A., F.R.Hist.S. Pp. xviii, 516. 8vo. London : Smith, Elder & Co., 1909. 10s. 6d. nett.

PART of Mr. Chance's work on the Northern War has already appeared in the *English Historical Review*. The present volume is recast from these articles with the addition of a good deal of new material. It is a period which has received little attention from English historians, and Mr. Chance's book forms a valuable addition to eighteenth century history.

The chief result of the war was the creation of the Empire of Russia as a European power. This necessitated a struggle for outlet in the Baltic, involving war with Sweden, the great Baltic power of the seventeenth century, and finally the decline of the latter to the rank of a second-rate power. The conflict naturally affected Denmark and the North German States, who at first feared the increase of Swedish power under Charles XII., and were later alarmed by the ambitious schemes of Peter the Great. George I.'s interest in the war was twofold, as Elector of Hanover and as King of Great Britain. Till 1711 the Elector was one of Charles XII.'s chief friends, as he was anxious to remain on good terms with the possessor of the Bremen and Verden duchies. His policy, however, shortly changed. To check the Danes he occupied Verden, holding it as a neutral, but with the intention of keeping it himself if the Swedes could not maintain their

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hold over it. Henceforward the Hanoverian policy was directed towards the acquisition of both duchies.

Great Britain took little interest in the war until the accession of the Elector and the interference of Charles XII. with the Baltic trade brought her into closer relations with northern affairs. Her interests in the Baltic were mainly commercial. The imports from the northern ports were masts, hemp, pitch, tar, and other shipbuilding materials, most necessary for the equipment of the fleet. In fact Townshend wrote that if the Baltic convoy of 1715 should miscarry, 'such a scarcity of naval stores must ensue, as would disable His Majesty from fitting out a fleet next spring upon any event.' The interests of Britain required that the Baltic ports should be kept open for her trade. It was not, therefore, wholly for the sake of Hanover that George I. interfered in northern affairs, although in this, as in other instances, he has been accused of subordinating British interests to those of his electorate. One of his first acts upon his accession was to remonstrate at Stockholm against Charles's prohibition of Baltic trade, but without result, as Charles was determined to make use of the commercial blockade in his struggle with Russia. Thenceforward British naval expeditions were sent yearly to the Baltic to guard their commercial interests, also acting in combination with the Danish fleet after Hanover declared war on Sweden. Charles's resentment at Hanover's declaration of war was visited also upon Britain, and gave rise to the fear of a Swedish invasion of Scotland in the Jacobite interest, which embarrassed the British Government for some years.

The principal figure in the negotiations was Goertz, who, after Charles's return from Turkey, played a leading part in Swedish affairs. His chief aim was to raise money, Sweden being terribly impoverished by the long continued wars, and he found that only from the Jacobites could he hope for financial supplies. Negotiations were carried on without, Mr. Chance thinks, the knowledge of Charles XII. for some time. The plots were, however, known to the British Government, and in February, 1716, Goertz was arrested in Holland and the Swedish envoy in London, rather to alarm the nation into supporting George's northern policy than because of any real danger. Goertz, after his release, endeavoured to arrange a treaty of peace with the Czar, continuing the negotiations until Charles XII.'s death in 1718 removed the chief obstacle to their success. Negotiations then began between the different powers engaged in the war. The British fleet in the Baltic was now made use of to strengthen George in his feud with the Czar, which had arisen principally from the German question of the quartering of Russian troops in Mecklenburg. It was also important, however, in the interests of British trade that Russia should not be too powerful in the Baltic. The final peace negotiations were prolonged, the treaty of Nystad between Russia and Sweden not being concluded until 1721. Hanover got Bremen and Verden ; Russia gained, what her ruler had coveted, a large share of the Swedish provinces on the Baltic, and therefore an outlet for her empire in the west.

Mr. Chance follows the different negotiations of the period in much detail, tracing not only the connection of the northern powers with the

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war, but also the influence of the Empire, France, and Spain on the struggle. He has made use of much new material, and has been very successful in producing not only a full but a clear history of a war which involved many interests and very intricate negotiations. There is a useful bibliography and a full index.

THEODORA KEITH.

THE HISTORY OF THE SOCIETY OF JESUS IN NORTH AMERICA, COLONIAL AND FEDERAL. By Thomas Hughes, S.J. Documents. Vol I. Part II. Nos. 141-224 (1605-1838). Pp. xiv, 622. S.R. 8vo. London: Longmans, Green & Co. 1910. 21s. nett.

THE new volume of this great work, already noticed in this *Review* (S.H.R. v. 229, 362), covers the period from 1773 to 1838 and completes the documentary history of the Jesuits in North America. As the narrative text of the first volume was only brought down to 1645, it may be assumed that a return will be made to finish what has been so well begun.

The opening documents of the present instalment start with the efforts that were made to save the property and reorganise the status of the Society after the issue of the ill-advised bull (*Dominus ac Redemptor Noster*) of Clement XIV. in 1773, which utterly abolished and suppressed the said Society with all its statutes, usages, customs, decrees and constitutions, and also its houses, schools, colleges, hospices, and other institutions. The letters and papers relating to this crisis comprise some of the most interesting documents in the collection. As we read them in the light of subsequent events when the Society was restored by Pius VII. in 1814, we get a curious commentary on the internal workings of the Roman Church. What one pope dissolved and declared incapable of restoration, another pope restored, almost within the same generation, on the ground that the Bark of Peter needed those powerful and experienced oarsmen who were capable of steering it successfully over the waves which threatened its destruction. From the outset the Jesuits appear to have never wavered in their conviction that a day of the *Societas resurrectura* would come, and plans were made accordingly to safeguard their property from alienation.

We await with interest the review of these documents in the official narrative, though the sections are so clearly arranged that it is possible for the reader to draw his own inferences without the help of an interpreter.

There was no need for Father Hughes to apologise for including so many fragments in his compilation. Instead of being a fault, it is in fact one of the pleasant features of his work. From such seemingly unimportant trifles the whole structure receives its solidity. When gathered from different sources, the little things illustrate and explain the greater, and all combine to strengthen the whole. In no department of history are such trifles more welcome than in a discussion of the acts and feelings of an earnest body of men, smarting under what they considered an unjust stigma and a disastrous policy. There is little doubt that the Society came out of the ordeal with increased lustre as an indispensable buttress of the papal system in North America.

The notes and commentaries in the text add much to the value of the collection, and there is a full index.

JAMES WILSON.

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THE LAST PHASE OF THE LEAGUE IN PROVENCE (1588-1598). By Maurice Wilkinson, M.A. Pp. vi, 84. Demy 8vo. London: Longmans, Green & Co. 1909. 4s. 6d. nett.

THE last years of the League were a time of disorder and anarchy in all parts of France, the provinces most distant from the centre of government being the greatest sufferers. Provence, the latest annexation of the French crown, was an extreme case. There both Leaguers and Royalists had their separate Parlement; the Huguenots had a small but influential party of their own; Marseilles strove for independence; the Duke of Savoy and Philip II. fought openly or plotted for the possession of that coveted province, while the population, crushed by war and taxation, rose to no higher feeling of patriotism than to be rid of their rulers, whatever their religion or politics. Mr. Wilkinson has been fascinated by this tangled historical skein which he unravels skilfully.

The aim of his book, however, is not to bring a clear narrative of events before the general reader, who, indeed, is sometimes neglected, but to throw new light on those little known events by new information. The author is a searcher of archives, and a lover of documents, who has discovered in the libraries of Marseilles and of Aix contemporary memoirs and official papers hitherto unpublished. Out of them he has selected extracts which form the more valuable and also the larger part of the volume. They illustrate the connecting narrative very aptly, and although they have been reproduced in the original language of the time, 'unaltered and unmodernised,' they are easily read. The most remarkable one is a *Detailed Account of the Battle of Vinon* that will more than repay the effort of translation.

The author hopes 'that with the progress of the inventories at various places, and specially at Draguignan, fresh light will be thrown upon matters which are now obscure.' We also hope that Mr. Wilkinson will find his way there and bring back equally interesting material for another book.

Just one word of protest. The spelling 'Provençal' should not be encouraged; its recurrence on every page is a continual jar on the nerves.

F. J. AMOURS.

ACCOUNTS OF THE LORD HIGH TREASURER OF SCOTLAND. Edited by Sir James Balfour Paul, LL.D. Vol. VIII. A.D. 1541-46. Pp. lxxxix, 624. Roy. 8vo. Edinburgh: H.M. General Register House. 1908. 15s. nett.

EVERY volume of the Treasurer's Accounts fills up with invaluable facts many blanks in our annals, and the eighth volume does so to an unusual degree. The years embraced were eventful, witnessing international occurrences no less important than the rupture of James V. with Henry VIII.; the preparations for war and the final disaster of Solway Moss; the death of the king; the civil wars of 1544 between the lords in the English interest and the Governor the Earl of Arran, including the siege of Glasgow Castle and the ensuing battle of the Muir of Glasgow;

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the destructive English invasion under Hertford in that year and the year following; the Scottish victory at Ancrum Moor in 1545; the slaughter of Cardinal Beaton in 1546, and the consequent siege of the Castle of St. Andrews. The present instalment of the Accounts closes when the last named siege was still in progress. The Lyon King devotes 89 pages of preface to a sound general statement of the purport of the accounts and a detailed and well ordered sketch of the series of events, which are so interestingly reflected in those records of royal finance when it was as yet not incongruous that the personal and family outlays of King, Queen and Regent, the expenditure on the navy, the artillery, the military service, the Register House completed in 1542, and a great variety of money matters relative to home administration and foreign diplomacy should be combined in one set of books.

This multiplicity of contents, complicated by their disarray, by repetition and by confusions of sequence, makes all the more welcome the skilful analysis the accounts receive at Sir James's hand and gives his preface at the same time independent value as a fresh chapter of national history enlivened by notice of many traits of the time regarding costume, court usages, the pageantry of funerals, diplomatic intercourse, heraldry and the art of war by land and sea. The chronological aspect of such a sketch might perhaps have received more prominence, and there is on p. lxxvii an error of 1544-5 for 1545-6 which dislocates a good many following dates. But with this remark there begins and ends a reviewer's carping: attention may be more profitably turned to a very few of the numerous points at which both preface and text bring new light to bear on Scots history.

Times were changed from those of the previous volume (reviewed in *S.H.R.* v. 219), which covered the hey-day of King James when as yet there was no misfortune to bring the pale cast of thought over the court. Now, there is less sign of gaiety, though a minstrel here and there appears, or 'ane baird fallo callit Hercules,' or 'ane bayrd husse callit Ionet Schankis,' when the bard, whether fellow or hussie, gets a gratuity or a suit. Nepotism was strong under Arran: a great number of Hamiltons got place. Domestic items of novelty include tooth powder ('tuithe pulder') and toothpicks (pyke teith); the 'suerdslipper' as well as the 'knokmakar' gets annual fees; and there is wonderful variety of clothing. Robert Spittall (*S.H.R.* vii. 192) is the court tailor and makes the Queen's 'dule habytis,' when James V., sick or mad with despair after Solway Moss, turns his back to the wall and leaves her a widow. Among many subjects which receive illuminating vouchers from entries now edited there may be instanced the Glasgow episodes of 1544, when the castle held for the Earl of Lennox was besieged and a battle was fought some weeks later between the Governor Arran and the Earl of Glencairn. Many messages and orders about the affair appear directed against the Lennox party. Then there come entries about 'hors to draw the artalze to Glasgow,' followed by payments for gabions set in front of the guns in action; then a payment to 'ane pure woman quhayis husband was slane in Glasqw witht ane schot of ane culvering,' while

the surrender of the stronghold is indicated with painful directness by the 32s. paid for 'ane gallous' set up 'fornence the Tolbuth,' on which, as we know from other sources, the most of the garrison were hanged. The siege had begun about 4th April and was over by the 18th. It was followed by a serious encounter, the battle of the Butts, a pitched fight in the open on the Gallowmuir. Part of the Governor's troops marched from Perth and Dundee and 'strak the feild of Glasqw' on 24th May. Entries relative include the payment of a fee to 'ane barbour in Glasqw eftir the feild strikken on the mure of the samyn to by droggis to help to cure certane of my lord Governoris servandis hurt thare' as well as similar payments for 'droggis to the curing of otherris.' References (which might have interested the author of *Crookston Castle*) show that in these stirring times of 1544, gunners were in the garrison of Crookston, which, although the property of the Earl of Lennox, was in the hands of the Hamiltons, the Governor's party. Entries in 1545 concern the French guns brought by Monsieur Lorge Montgomery to Greenock, where they were carried up the river to Glasgow in boats. Items about the battle of Ancrum include a payment to one Robert Hamilton of Garen for 'ane Inglische standart that the saidis Robert had wyn at the feild of Ankerum.'

Specially important are the numerous entries regarding the recovery of the castles of Lochmaben and Carlaverock from the English, as they supply information hitherto entirely lacking upon the expedition by which the recovery was effected, particularly as regards the conveyance of culverins and other pieces of ammunition in November 1545 to Carlaverock and Lochmaben. Carlaverock was 'ouregevin' by the 8th of November, a natural occasion for the duly recorded drinksilver. Lochmaben was under siege by the 26th of that month, and was evidently given up to the besiegers after a short attack. Outlays there include the cost of burial of 'ane pure man that was slane at the assege.' Drinksilver was paid to the gunners who shot at the castle. The guns were being convoyed back by the end of November and lay on Ericstane for a week waiting for oxen to draw them. It is not surprising to find many foreigners among the men serving in connection with artillery.

Extracts enough, however, have been given to prove that this latest volume ranks unusually high in general and military interest, and that the editorial elucidations place an intricate mass of fact in a true and stirring historical relationship.

GEO. NEILSON.

THE DISAPPEARANCE OF THE SMALL LANDOWNER. Ford Lectures, 1909. By Arthur H. Johnson. Pp. 164, with three maps. Crown 8vo. Oxford: Clarendon Press. 1909. 5s. nett.

A SHORT HISTORY OF ENGLISH AGRICULTURE. By W. H. R. Curtler. Pp. viii, 372. Crown 8vo. Oxford: Clarendon Press. 1909. 6s. 6 nett.

THOSE two unpretending manuals, compact, well-arranged, admirable alike in conception and execution, can be confidently recommended to all who desire accurate information, carefully selected and lucidly expounded,

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on the important subjects of which they treat. The scope of both is confined to a survey of English phenomena.

Mr. Johnson's theme is, perhaps, the more interesting of the two for the student of social and economic problems. He traces the gradual break-up of the manorial organization, and estimates the influence of the Black Death, the Statute of Labourers, and the gradual enclosure of waste and common-fields upon the distribution of estates between large and small holders. He considers that exaggerated estimates have been made of the effects of exceptional events like the Peasants' Revolt, and maintains that the gradual elimination of the peasant proprietors of England has been effected mainly by the natural pressure of economic causes rather than by laws of primogeniture or other forms of legislative influence. He deprecates, however, the tendency to exaggerate the extent of the disappearance of such proprietors, and minimizes the contrast sometimes forcibly drawn in this respect between France and England.

Mr. Curtler's book is equally valuable in its own sphere. Passing rapidly over the frequently discussed phenomena of the system of husbandry prior to the thirteenth century, he gives admirable summaries of the inventions and changes that make up the story of agricultural advance till the present day. Anyone who desires to find, compressed within moderate compass and expressed in an agreeable, concise style, a connected account of the development of English husbandry, will here obtain what he requires.

The value of neither work, however, is by any means restricted to those exclusively interested in the themes which form their respective titles. Both are full of well-chosen information and judicious criticisms and suggestions, making them useful books of reference for the serious student of history in all its intertwined branches.

WM. S. McKECHNIE.

SIR PHILIP SIDNEY. By Percy Addleshaw. Pp. xii, 381. With illustrations. Demy 8vo. London: Methuen & Co. 1909. 10s. 6d. nett.

THIS is more an essay than a biography. The author desires to find Sir Philip Sidney's true place in his century, and is more interested in this than to lay before his readers a series of biographical details and dates. In a somewhat sketchy and rambling manner, he has, however, constructed what is an interesting book, and it enables us to know a good deal about his 'great subject,' who was greater, perhaps, in the minds of his admiring contemporaries than he has been to their successors. Sir Philip's characteristics were learning, studiousness, intense Protestantism, coupled with an unreasoning hatred of the Papacy natural enough perhaps in one who had witnessed St. Bartholomew, great courage, true poetry of language, a calm and resolute disposition, broken by sudden but rare gusts of passion; and a virtue rare at his time, but which did not prevent the writing of his beautiful sonnet sequence to the married Lady Rich.

All these the writer has considered carefully and with much candour, but the more serious of historians will like neither his flippant style nor his generalisations. Of Queen Elizabeth he writes in a tone of bitter

rancour, which is not temperate. Of her he can see no good, except that her selfish rule was successful, yet he can say of her father, 'Henry VIII. was not a bad man, and in many ways he was a fine king'! We get some pleasant glimpses of the affection the members of the Sidney family had for each other, but little new light on the relations between Sir Philip himself and his wife. To be understood at all, the book must be read by students of the sixteenth century, but the absence of references will rob it of much of the value it might have had for them.

A HISTORY OF SECONDARY EDUCATION IN SCOTLAND. AN ACCOUNT OF SCOTTISH EDUCATION FROM EARLY TIMES TO THE EDUCATION ACT OF 1908. By John Strong, M.A., F.R.S.E., Rector of the Montrose Academy. Oxford: At the Clarendon Press. 8vo. Pp. viii, 288. 1909. 7s. 6d. nett.

THIS book gives us a succinct account of Scottish education, with special reference to the development of secondary education, from the sixth century to the present day. It divides itself naturally into two parts, (1) the period prior to the Education Act of 1872 which established the State as the administrator and conservator of education, and (2) the period from 1872 to 1908 during which the consolidation of primary education and the development and co-ordination of secondary education were the main problems. In the earlier period the treatment of the subject is more general as there was then no definite line of cleavage between the elementary and the secondary.

The main topics discussed are the dominance of the Church in early education, the Renaissance and the Reformation and their effects on education both in theory and in practice, and the development of the parish and the grammar school from 1600 onwards. In the latter period the author confines his attention mainly to the development of secondary education and to questions of educational endowment and administration. In the appendix we have a diagrammatic representation of present-day education (which should be compared with that of the Reformers on p. 60), the Latin text of the Rules and Regulations of the Grammar School of Aberdeen, and a short account of the present arrangements for the training of teachers. There is also an excellent index.

It is obvious that any attempt to write the history of Scottish education within the compass of the volume under review demands condensation and the most careful selection of strictly relevant materials. In both directions Mr. Strong is eminently successful. He is brief but his brevity is counterbalanced by copious and admirable references to first-hand authorities. On the other hand the interesting side-issues into which his researches lead him rarely tempt him into irrelevancy.

Of the book as a whole it should be said that it affords an excellent and well-balanced summary of the somewhat involved problems of Scottish education. Coming to details we find that scant justice has been done to the efforts of the Catholic Church to establish education, and enough is not made of the part played by humanism and the modifying effect

of the ecclesiastical on the humanistic which narrowed the school curriculum so that it included only a small fraction of the Trivium and Quadrivium. The position of the Reformers and the importance of their work as the substratum on which the later national system was built is clearly and adequately set forth. The parish school also is well treated, though more might be made of that parallelism in elementary and secondary work which some regard as overlapping, but which in reality put Scotland in the van of educational progress. A local instead of a central authority and access to the university without entrance examination were not only stages through which Scottish education had to pass, but were the means whereby that education obtained its unique character. The chapter on the grammar school is illuminative, but it is necessary to emphasise the fact that the very conditions of the parochial system made it imperative that in the years following 1872 elementary education should receive the main attention of the Scotch Education Department, and that the correlation of secondary education should be left for later settlement. The chapters dealing with recent years are of service, not only to the general reader and to the student of education, but also to those whose department is the administrative and executive.

From every point of view the work may be regarded as a permanent addition to the literature of the subject.

J. CLARK.

THE REGISTER OF THE PRIVY COUNCIL OF SCOTLAND. Edited by P. Hume Brown, M.A., LL.D. Third Series. Vol. II. A.D. 1665-1669. Royal 8vo. Pp. l, 830. Edinburgh: Register House. 15s. nett.

OUR Historiographer-Royal is a punctual and systematic editor, and his long task is being quietly, steadily, and rapidly accomplished. In the volume last noticed in these columns (*S.H.R.* vi. 421) he had brought the register down to 1664, when the land was passing through a period of domestic interest happily not focussed on any national calamity.

Such periods after the Union were rare under the Stewarts, and the present instalment of the Council records has a painful centre in the sudden and ill-starred Pentland Rising, which once more stains the annals with the bloodshed of civil war and the vengeance completing the suppression of the revolt. That 'insurrection in the west' appears to have been quite unexpected, and to have produced great official alarm in the month of November, 1666. All kinds of preparations, rumours, mustering of troops, authentic news of the invasive advance, and a prevalent atmosphere of bustle and anxiety are reflected in the perturbed entries of the Register. Obviously the victory of the royal arms at Rullion Green was a great and welcome relief, although on 29th November the Council's letter to the King, announcing the 'toll rout at the south syd of Pentland hilles' the day before, recognises serious apprehension of further danger. It was only by degrees lessened by the severe treatment of prisoners, the prompt execution of some, the exposure of heads and limbs in public places, and the other repressive measures which crushed the rising.

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Professor Hume Brown, in his preface, sketches the causes, course, and consequences of this disastrous outbreak, but happily has chosen to subordinate these commonplaces of Covenant history to general home affairs more characteristic and not less interesting. There is abundant variety as well as illustration of Scottish life in the grouping of domestic facts other than political during the four years embraced. Matters discussed include the efforts to put down turbulence on the Border and in the Highlands, the economic expedients advocated for betterment of home and foreign trade (one of which was the prohibition of Irish commodities), the encouragement offered to foreign manufacturers to work in Scotland, and a variety of general matters. These include procedure against usury, counterfeit coinage, and witchcraft, the maintenance of bridges, precautions against the Plague in 1665 when it was still raging in London, and the series of enterprises taken in hand to deal with the unemployed and inconvenient classes, especially by using them to promote plantations in Jamaica and Barbadoes. The last-named practice was 'the means of creating colonies of Scots in America which became centres of trade with the mother country.'

Prosecutions of weavers 'of the burgh of Glasgow and of the village of Gorbells' caused great commotion in 1667. The craft had incurred liability by weaving linen at prices and of widths disconform to a statute of 1661. Postal facilities with Ireland and between Edinburgh and Aberdeen and Inverness, as well as with London, were discussed, and the 'keeper of the letter office of this kingdom' is sharply warned against exacting extra rates beyond 'fourpence the single and eightpence each double' letter, these being 'the former dues of the passage.' Religious subjects embraced the prohibition of conventicles, steps taken against Quakers, and fulminations against the well-known pamphlet, 'Naphtali.' The wars with the Dutch gave occasion to a number of ships receiving letters of marque. A 'bellicall and military posture' in private feuds was a chronic trouble, whether the occasion was a Highland dispute about peats or the attempted apprehension of a mosstrooper on the Border. Active effort was made to get offenders transported to Virginia or Barbadoes.

Features of west-country history of note and significance were the evident progress of Greenock as a Clyde port, the fire of Kilmarnock in 1668, and the dispute between the burgh of Ayr and Wallace of Craigie over his shifting the line of highway at the Newtown. Witchcraft, it is gratifying to observe, was now on the decline, although the number of prosecutions during 1661-63 had been 'unparalleled in the previous history of the country.' There were still complaints enough; but the Council now was dubious, and therefore reluctant to sanction proceedings.

Like its predecessors, this volume is a mine made easy to work in by the excellence of an elaborate and systematic index. Of the editor's service by his introductory summary and survey, with its lucid narrative and well-considered explanatory comments, it is hardly necessary to speak: the quality of his workmanship goes without saying. No one could wish a better or clearer guide through a mass of record, heavy-laden with domestic history. Year by year his acquaintance with the period grows, and makes him the more convincingly its trusty interpreter.

316 Ewing: Bibliography of Robert Burns

BIBLIOGRAPHY OF ROBERT BURNS, 1759-1796. By James Cameron Ewing. 4to. Pp. 16 [with 4 facsimiles]. Privately printed. Edinburgh, MCMIX.

A reprint, restricted to 36 copies, from the publications of the Edinburgh Bibliographical Society, this work of exact bibliographical scholarship is a scientific chronological list of Burns's writings, printed or published in his life-time, but neither includes his contributions to periodicals or the works of others, nor the tracts and chapbooks containing pieces of his composition. There is a full and close collation of each of the editions of his poems in the checkered decade of splendour from 1786 until his death. Mr. Ewing, who has made a unique position for himself as an acute authority on the work of Burns, introduces his list by an essay sketching the history of the poet's publications, quoting the 'Proposals' for the editions of 1786 and 1787 and the advertisements of these and later issues, and commenting on pieces separately printed, *The Ayrshire Garland*, *The Election*, *The Trogger* and the Heron Election Ballad, titled *For a' that and a' that*. Facsimile reproductions of those four make a most interesting appendix to Mr. Ewing's volume, which students of literature, equally with specialists on Burns and in the cult of bibliography, will prize.

THE INTERDICT: ITS HISTORY AND ITS OPERATION, WITH ESPECIAL ATTENTION TO THE TIME OF POPE INNOCENT III., 1198-1216. By Edward B. Krehbiel, Ph.D. Pp. viii, 184. Published by the American Historical Association. Washington. 1909.

To this work in 1907 was awarded a special prize in connection with the American Historical Association. An extremely compact and almost too closely documented gathering and grouping of the facts, operative means, and consequences of papal Interdicts, it represents an astonishing effort of research, mainly, it is true, in printed sources, but also in a very considerable body of manuscript charters, cartularies, bulls, and treatises. An appendix carefully assembles all the instances of threatened and actual interdict from 1198 until 1216, setting forth briefly the occasion of each as well as the circumstances of the ultimate relaxation. There is also a short bibliography.

One revolting feature of the interdict was the prohibition of burial, and it is interesting to note in how many ways the severity of this could be reduced by a complacent clergy. The very weight of the pressure exerted both on laymen and clerics by an interdict led to the restriction of its operation by confining its effect to a locality or moving it according to the residences for the time of particular offenders.

Dr. Krehbiel has done his work faithfully, and although his facts are far too numerous to admit of ease and ready pleasure to the reader, he has furnished an invaluable compendium of the canonical law and practice, as well as of the entire round of historical purpose and executive method of this most terrible ecclesiastical engine. Dr. Lea's studies of Excommunication have as their fitting and not unworthy corollary this able and singularly diligent statement and narrative of that form of coercion as exemplified in its highest degree as a papal process for reducing not a mere individual but an entire nation to subjection.

CULTURA MODERNA: RASSEGNA MENSILE DI STUDI SCIENTIFICO-RELIGIOSI. Mendrisio (Svizzera). 1910. L. 2.50.

THE first number for 1910 of this journal, now in its third year, is of interest to those who follow the progress of modern thought in Italy. Edited by Prof. Domenico Battaini, assisted by Arturo Tommasoni of Verona, this number has an article on the religious problem by Dr. Höffding, the well-known Copenhagen Professor of Philosophy. The death of Henry Charles Lea, author of the *History of the Inquisition in the Middle Ages*, is sympathetically noticed by Pia Cremonini. An appreciative account is given of Jordan and Labanca's *The Study of Religion in the Italian University*. Short notices of other reviews are included, among them the *Hibbert Journal* and the *Rivista Rosminiana*.

Eighteenth Century Literature: an Oxford Miscellany (8vo, pp. 183, Clarendon Press, Oxford) is an agreeable collection of essays, all readable, by eight authors, who are for the most part dealing with biographies,—critical themes which require little burrowing and admit of light, descriptive pens. Steele as dramatist, Jonathan Wild, Lady Mary Wortley Montagu and Horace Walpole, give favourable if not profound opportunities to Mr. M. E. Hare, Mr. G. T. Bispham, Miss V. L. Jacquier and Mr. J. G. Fairfax.

Among school histories sent to us is Mr. T. D. Robb's *The Two Kingdoms* (pp. vii, 232, Blackie & Son Limited) covering the history of Scotland and England from the times of James V. and Elizabeth to the Union under James VI., and thereafter of the United Kingdom until the death of Queen Anne. Beginning with a sketch of the Renaissance, it ends with an estimate of the results of the Union of 1707. Mr. Robb gives but scant measure to the real capacity of James VI. and I., and in his censures sometimes forgets that James was the contemporary and heir of the masterful Tudors. We are too apt to judge him for the failure of his son, who had not the cautious astuteness of his canny father. But we admit there are good precedents for Mr. Robb's estimate, and here as always his verdict is moderate and shrewd. Liberal in standpoint, lucid in style, often very happy in his phrasing, he makes his lavishly illustrated pages a sympathetic narrative and reflection of the national energies, literature, and political struggle.

The same publishers issue in the same series *Our Native Land*, by Mr. Duncan Macgillivray M.A. (pp xii, 256), which tells the story of Scotland from the earliest times until 1603. This volume is less critical of the facts and incorporates some picturesque but dubious incidents, such as the 'Barlass' episode at the murder of James I., represented in an impossible picture. Of the Roman occupation we are surprised to read that through the Romans the Britons came to a knowledge of Christ; no more misleading general statement than this in its context could well have been put in print. Mr. Macgillivray's story of Bannockburn needs revisal under the later lights.

His account of Scottish scholarship passing at one stride from Michael Scott to George Buchanan hardly satisfies. But he writes as clearly as Mr. Robb, if with less distinction. Both of them do justice to the Scot abroad and transliterate effectively the spirit of our annals at home.

Still younger pupils are kept in view by the same publishers, who issue *Our Country's Story*, by David Campbell and David Frew (pp. vi, 208), likely to please with its tales and pictures; also by Messrs. Methuen & Co., whose *Stories from Modern History*, by Miss E. M. Wilmot-Buxton (pp. vi, 122) may be commended for bright narratives, ranging from Attila to Bonaparte, made intelligible to juniors.

Scotland's Work and Worth (Oliphant, Anderson & Ferrier, Edinburgh and London) by Mr. Charles W. Thomson, M.A., F.E.I.S., has steadily redeemed its initial shortcomings as successive serial parts brought the phases dealt with out of the antique into the modern time. If the narrative itself seems to lack fluency and grace it is because the author's effort is devoted rather to present the maximum of accumulated fact than to court the attractions of style. The work bids fair to be a unique register of the more recent contributions of Scotsmen to the progress of science, invention, art and literature, and to take useful place as a work of reference, very diligently compiled, and laden with information. Its occasionally ultra-Scottish tone will be welcome to some, while suggesting to others that there are more ways than one of forgetting the Union.

Les Pélerinages au Mont St. Michel du viii^e au xix^e siècles (8vo, pp. 66. Paris: Librairie Vic et Amat), by M. Etienne Dupont, adds one more to the numerous chapters he has written (*S.H.R.* iii. 506, iv. 362, v. 241, 511) in chronicling the story of Mont St. Michel. Not only does it deal with the dubious problem of the origins—very perfunctorily, it must be owned—but it also assembles a great amount of miscellaneous matter more or less connected with the usage of pilgrimages, the many hostels in which the pilgrims to the sanctuary of the Archangel were accommodated, the miracles, such as the famous *Miracle du Péril* (a sort of converse to that of Saint Adamnan on the Solway, with its incidents of mist and tide), and the fragments of sacred song and romantic canticle.

Not a few historical episodes go into the record, some of them connected with the hundred years' war. Primarily as a sea-board terminus on the *quemini montenses*, the roads crossing the hills of Normandy, the great rock-sanctuary early attracted visitors piously intent on its shrines, and the miracles grew as the pilgrims increased. Charlemagne's alleged visit may be reckoned among the myths, but the authentic visitants claimed include Henry I. and Henry II. of England, Philip Augustus and Philip le Bel of France, Tiphaine Raguene, wife of Du Guesclin, and accredited with 'the art that none may name,' Louis XI. the prince of Condé, our king Charles II. and the great Duc de Mazarin. Always a storm-centre when there was war with England, even its ecclesiastical annals are full of incident, and out of them M. Dupont draws a diversified if discursive narrative, reflecting many sides of medieval life. Among some omitted

literary data may be cited the alliterative *Morte Arthure*, circa 1364, in which the king proclaims his intention to 'passe in pilgrimage,'

'For to seken a saynte be yone salte stremes
In Saynt Mighell Mount, there myracle3 are schewede.' (ll. 897-9).

It was, however, a rather queer saint that King Arthur was in search of: it was the giant of the mount. But the double meaning of the poet only the more brings out his allusion to that cult of which M. Dupont has made himself the unwearied historian.

We have received from The Macmillan Company, New York, a volume entitled, *Writings on American History, 1907. A Bibliography of Books and Articles on United States and Canadian History published during the year 1907, with some Memoranda on other Portions of America*, compiled by Grace Gardner Griffin. This is a carefully classified list, and should prove most useful to librarians, and to students of American History.

The Juridical Review (Jan.) has a half legal, half historical paper on the Kindly Tenants of Lochmaben by Mr. John Carmont, who unfortunately must have forgotten the long English occupancy of the castle, and has also had the ill-luck to overlook Mr. J. A. Brown's valuable study of kindly tenancies under the Bishop of Glasgow. It is a central error on Mr. Carmont's part to write of a Scottish Crown annexation in 1357 as a determining factor in Annandale tenures when that district, given over to Edward III. in 1334, remained *de facto* continuously in English hands for fifty years thereafter. Consequently the analogies to English copyhold are not duly considered, nor the historical establishment of fixity of tenure, and the widow's full liferent (distinct from the Scottish terce), so suggestive of the English 'free bench,' escapes attention altogether. The official extract of the judgment in the actions of 1727—the 'Decreet of Declarator and Absolvitor The Kindly Tenants of Lochmaben Against The Viscount of Stormount D.M.B. 1727,' a manuscript book of 212 foolscap pages, is in the possession of Dr. G. Neilson. Some phases of these proceedings were known to Sir Walter Scott, for not only does he, in the notes to the ballad of the Lochmaben Harper, quote the to-names of kindly tenants, 'John Outbye, Will Inbye, Whitefish, Redfish,' but in the *Bride of Lammermoor*, chapter 12, 'John Whitefish' is perhaps the literary offspring of 'John Ritchardsone called Whitefish' in Hightae, one of the Four-Towns of Lochmaben. John was a party in the actions which settled the unique consistency of the four-town tenure. His to-name served to distinguish him from another kindly tenant of Hightae, 'John Richardsone called Inby there' as well as from yet another 'John Richardsone called Wise Ladd there.' The extract mentions also 'David Richardsone called the Cock' and 'John Wright called the Prince.' Mr. Carmont has diligently grouped many serviceable facts and references in his very interesting essay, to which possibly a notable addition might be the circumstance, not discussed by any student of the subject, that elsewhere in Dumfriesshire, *e.g.* in Carlaverock, the rentallers of that barony in the seventeenth century were kindly

tenants whose holdings and customs of tenure fall to be collated with those of the four towns.

Mr. William Guy's paper on 'Private Prosecution,' glancing at the historical contrast with English practice, is primarily a protest against a recent much discussed precedent.

Among the contents of the *Antiquary* for January is an article by Col. Fishwick about a Lancashire cockfight and the breach of the peace of which it was the occasion in 1514.

The American Historical Review for January opens with a brilliant essay on Imagination in History by Professor A. B. Hart. 'There is,' he concludes, 'no great history without large imagination any more than there is painting, or for that matter scientific discovery.' Mr. Clarence Perkins attempts to estimate the wealth of the Knights Templars in England at their dissolution. His estimate of the number and conditions of the members of the Order gives a new impression. 'A careful scrutiny of every available record shows,' he says, 'that there were only 144 Templars in the British Isles, and among these there were not more than 20 knights and 16 priests. Thus the great body of them were serving brothers or sergeants, common men remaining on the estates and busied with agricultural administration and labour.' As regards Scotland we observe no citation of Mr. Edwards' studies.

A biographical sketch of the late Dr. H. C. Lea rightly assigns him 'a greater repute among European scholars than has been obtained by any other American historian of our time.' Warm tribute is paid to his private virtues, his modesty and friendly and helpful spirit. Mention is made of the fact that 'the remarkable library which his wealth and learning had enabled him to collect' has been bequeathed to the University of Pennsylvania.

The American Journal of Psychology (Jan.) records a great number of curious experiments made to test the intelligence of various birds by Professor Porter, while Dr. Ernest Jones essays, with the usual indefinite result, to explain Hamlet 'by the psycho-analytic method of investigation'; in other words, by the suggestion of the 'Œdipus-complex' as the key to the mystery.

In the *Revue Historique* (Jan.-Fév.) V. Kybal has a study of the origins of the Hussite movement, in which he emphasises, against an exclusive Wicliffite influence, the debt of Huss to Matthias of Janov (fl. 1350-1393). Matthias was a Bohemian, whose fortunes included persecution, before which he bent in much the same way as Reginald Pecock did after him, and whose doctrine is believed by Bohemian historians, following Palacký, to have materially helped in making Huss a 'heresiarch' and martyr. Sympathy with the patriotic impulse to this conclusion, need not blind us to the relative want of body of proof in citations, one of which is a caustic and severe exaltation of the gallows as compared with the images of saints, 'because,' says Matthias, 'by the gallows comes the execution and symbol

of God's justice and the restraint of the malice of men.' [This recalls a passage of Brantôme, which doubtless gave Scott the hint for a verse in his ballad of *Christie's Will*.]

M. Mathiez examines the attitude of the *philosophes* before the Revolution towards the separation of Church and State, and deduces from their variety of view the conception common to almost all that the Church should not be separated from but should be made to serve the State. Even the revolutionaries never parted with their dream of a unity, moral and religious: 'educated by the priests they constructed their *cité future* with the elements of the *cité présente*.' The Goddess of Reason illustrated the fact.

The Critiques contained in the last two numbers of the *Revue des Études Historiques* for 1909, show that much valuable work is being done in France towards the elucidation of various phases and problems of the Revolution and Napoleonic periods. In the *Revue* itself, the articles have dealt with very varied points: with Rousseau and his influence down to the present day, with the history of Ceramic Art in France, with the part played by the Swiss Guards in the crisis in 1792; and with some points in French naval history in the beginning of the nineteenth century, connected particularly with the career of Admiral de Linois.

The *Bulletins de la Société des Antiquaires de l'Ouest* for 1908-1909 contain some interesting matter, which may be briefly summarized. (1) Notes on *La Bachelierie de Thuré* in the seventeenth and eighteenth centuries: its feudal origin, its annual *revue d'armes*, a faint reproduction of the medieval tourneys, gradually transformed into a mere popular festival. (2) A very interesting sketch of *La Colonie Acadienne de Poitou*, tracing its American history, but bearing more closely on its after record in France; its settlement in Poitou; its various vicissitudes; and the continuous cultivation of the reclaimed lands there by Acadians and their descendants down to the present time. (3) Notes on a sculptured stone recently found at Challans in Vendée: a sixth century slab, probably part of a shrine or grave stone. (4) An account of Etienne Thevet, *maître chirurgien* at Poitiers from 1586 to 1618, in the service of the Prince de Conti, author of two books dealing in an unconventional manner with the plague, and means for its alleviation or cure, and with contemporary quacks and quack doctrines, sorceries, senseless prejudices and time-honoured absurdities in the practice of the healing art. (5) Colbert, and the French East India Company: the difficulty of raising the necessary funds, and the lack of interest in the scheme, amongst the agricultural districts in France. (6) A history of the Castle and Parish of Mondion, from the eleventh century onwards, by the present Comte de Mondion: special interest is attached to the account of the Lhermite family in the annals of the possessors of the property, the famous Tristan having married about 1430 the heiress to the lands and *seigneurie* of Mondion. (7) Biographical notes on Laurens du Villars, a gentleman of Poitou: with many instructive details as to tenure of property, rents, agricultural prices and conditions generally in the eighteenth century.

Old Norse words and place-names, memories of fishing boats and wrecks, witchcraft records, and much else from the Orkney region are the staple of the *Old-Lore Miscellany of the Viking Club* for January.

'Symbolism, Allegory and Autobiography' in *The Pearl*, by Professor W. H. Schofield, is a reprint from the publications of the Modern Language Association of America, and is incidentally hard upon Professor Gollancz's 'hypothetic biography' of the author of the beautiful little poem. The essay is a sequel to an earlier paper (noticed in *S.H.R.* ii. 337), and establishes the existence of not a little symbolism and allegory, while it dissipates 'autobiography' into thin air. When regard is had, however, to the facts of the alliterative *Morte Arthure*, the *Auntyrs of Arthur* and *Golagros and Gawayne*, it seems likely enough that the alliterative cycle had still in its theory of poetry as in that of Dante and others, the requirement of a double meaning, one sense realistic, the other allegorical. At any rate it is undisputable that the first two are, and it is most probable that the third also is interpretable internally in terms of Edward III., although externally in terms of Arthurian legend. In the *Pearl*, in like manner, it will not be surprising if Professor Schofield succeeds in the hypothesis of a general religious symbolism for which he makes good so many particular points. Certainly the poem is suffused with allegory.

Notes and Replies

THE ROMAN WALL IN SCOTLAND. Dr. George Macdonald, holder of the Dalrymple Lectureship in Archaeology for 1910, made his subject 'The Roman Wall in Scotland.' The course of six lectures was very well attended. After glancing at the literary evidence and the archaeological background, Dr. Macdonald described the remains of the Scottish *limes*, traced its course and examined the forts and minor structures, and then presented in detail the evidence of inscribed slabs, altars, and tombstones. Coins and pottery were but shortly touched on. A concluding section on the original appearance and purpose of the Vallum of Antoninus, and its relatively brief and interrupted occupation, emphasised the need and the hopefulness of further investigation. Almost the last word was an earnest warning of the grave necessity there is to ensure that the finely preserved reach of the work west and east of the cemetery on the high ground above Hillfoot, Bearsden, shall not be sacrificed to the object of providing villa-sites.

We are glad to hear that Dr. Macdonald intends to publish these lectures, in a volume which will include much additional matter.

ORIPILATIO AND MASCELLUM. In his last instalment of the translation of the 'Chronicle of Lanercost' (*S.H.R.* vii. 164) Sir Herbert Maxwell queries the meanings of *oripilationem* and *mascellum*.

Is not *oripilatio* another form of *horripilatio*, a compound of *horrere* and *pilus*, meaning, as Webster defined 'horripilation,' its English equivalent, a bristling of the hair of the head or body resulting from disease or fear? There is little doubt that the Latin form gained currency in ecclesiastical writings, where it is chiefly employed, from its use in the Vulgate. The Oxford Dictionary has traced 'horripilation' only back so far as Blount, 1656. The word appears to have been in common use on the Border, when Mackay Wilson wrote in 1851. One must rejoice that both Latin and English forms have dropped into oblivion. The sound is enough to make us feel the sensation the word implies: 'Obstipui, steteruntque comae et vox faucibus haesit.'

Sir Herbert suggests 'a shambles' as the meaning of *mascellum*, but is he not thinking of *macellum*? It is probable that Stevenson had misread his manuscript when he printed the word as *mascellum*. It should have been transcribed as *mastellum*, the palaeographical difference between the two letters being almost indiscernible. The word is not in Facciolati, but Ducange has it, and explains it as a little tub, giving two illustrations of its

use. It was into this domestic utensil, half full of water, that the two-year old boy, Thomas, fell head foremost and was temporarily drowned. But whether *mastellum* is etymologically the cognate of mash-fat and its variants, the brewing tub, is a question that does not arise here.

JAMES WILSON.

I am greatly indebted to the Rev. Dr. Wilson for his notes. This explanation of both words makes their meaning so obvious that I feel ashamed for my own defective acumen. I cannot, however, agree with Dr. Wilson in rejoicing over the disuse of so forcible a term as 'horripilation.' It is far too good to be lost sight of.

HERBERT MAXWELL.

M'COY OR COY. This family is supposed to have left Scotland after the '45. What clan did they belong to, or where can information as to the bearers of this name be found?

A. M. SEARLE.

Southwick, Hants.

THE NAME DALZELL OR DALZIEL. (*S.H.R.* vii, 69, 215.) It is asked why the old *z* equates with *y* in Dalzell instead of the *g* of Dail geal being preserved. The noun *Dail* is here feminine, and the feminine of geal is gheal to agree with Dail; gheal is pronounced 'yell.' Here the spoken name Dal yell agrees perfectly with the spoken Gaelic form Dail gheál. Dail geal would not be Gaelic orthography, but Dail gheal (white haugh) is pure Gaelic in the dialect where Dail is feminine.

J. CAMERON.

Edinburgh.

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John Cameron :
A Scottish Protestant Theologian in France
(1579-1625)

FROM time immemorial, the Scotch have been much esteemed in France, no less for their literary talent than for their gallantry. The kings of France kept up a Scotch guard, and to reward the Scotch for the manifold services rendered to our country, Louis XII. made an ordinance, which 'exempted for the future all the Scotch people, dwelling in the kingdom, from being obliged to ask for letters of naturalisation and gave them, *in globo*, an equal right with Frenchmen to make wills, to succeed *ab intestat*, and to hold benefices.'

Profiting by these privileges, Scotchmen crowded to the French universities, and many of them attained to honour in the Church, in the magistracy, or in public education. They were to be met, especially, at the universities of Bordeaux, Poitiers, Orleans, and Paris. In our capital, the 'College des Escossais,' founded in 1325, by David, bishop of Moray, and endowed by Mary Stuart, queen of Scots and by J. Beaton, archbishop of Glasgow, offered to students of that country a comfortable lodging and several scholarships.

Moreover, they took a high place among the students of other nations, at the Paris University.¹ The union of England and

¹ See what Estienne Perlin, in his *Description des royaumes d'Angleterre et d'Ecosse* (Paris, 1558) tells about S. Simson, doctor at the Sorbonne, and David Cranston, regent of Arts at Montaigu College (d. 1526).

Scotland did not break the time-honoured links, which bound the latter to France. They were drawn closer to the French Protestants, for the colleges and academies, founded by them, vied with each other in calling Scotch teachers, so that several of them have left a name in divinity, letters, or medicine.¹

Some of these Scotch emigrants remained Roman Catholics, like William Hegate (of Glasgow), a Greek scholar, who became principal of the Collège de Guienne (Bordeaux, 1621-1627), and Robert Balfour, who was professor of Greek at the same college. But the greater number early embraced the Protestant faith and remained faithful to it, in France, even at the risk of the vexation and dangers to which their position as Huguenots made them liable, at the time of the civil war in France, for instance, Duncan, Primrose, and Sharp.

Among the Scotch scholars, who have served the Protestant churches and academies, John Cameron (1579-1625) deserves a foremost place, because of his theological genius and his independence of character. He was not only a devoted minister of the church at Bègles (Bordeaux), but also he taught brilliantly divinity at Sedan, Saumur, and Montauban; was an adversary dreaded by the Roman Catholic polemicists of his time; and was honoured with the confidence and friendship of Duplessis Mornay, the famous councillor of Henry IV. An unwavering upholder of royal authority, he has been the victim, both at Glasgow and at Montauban, of the fury of the republican party, in short, he is an original type.²

John Cameron's life was very eventful, like the lives of nearly all the Protestant divines of the sixteenth and seventeenth centuries. He was born at Glasgow about the year 1579, but his parents were so poor that, in order to follow the university course of his native city, he was obliged to act as portioner³ at the college. His studies in classics were so successful that, when only twenty years old, he was entrusted with the teaching of Greek at the university.

But he did not long remain in his native town. Carried away

¹ Especially the Academies of Die, Montauban, Saumur and Sedan.

² See Alex. Schweizer's *Die protestantische Central-dogmen*, Zurich, 1856, iii. p. 235; Michel Nicolas: *Histoire de l'Académie de Montauban*, Paris, 1865; Henri Bordier: *France protestante*, second edition, iii. p. 688 and following, for fuller particulars as to the life and doctrines of Cameron.

³ The portioner's duties were to ring the bell calling to the different lectures or exercises, to wait at table, and to do errands for the principal or the regents.

by the love of travelling inherent in the Scotch and doubtless attracted by the fame of the successes of his fellow countrymen in the French colleges, he set out for Bordeaux. He was there received very kindly by Gilbert Primrose (of Dalmeny)¹ and, at his recommendation, was appointed regent of classics at the College of Bergerac, and afterwards lecturer at the University of Sedan, 1602-1603.

Having returned to Bordeaux, his oratory gifts and his piety attracted to him the interest of the Presbyterian Church of that city, which in 1604 allotted to him a scholarship, to enable him to pursue his studies in divinity, on the sole condition that he should subsequently serve that congregation as minister. He left for Paris and was there introduced to Mr. Soffray de Calignon, one of the Protestant councillors of Henry IV., who entrusted to him his sons to educate. After having spent nearly a year in Paris, he was instructed to take them to Geneva, where he lived for two years, from 1606 to 1607.

Theodore de Beza had just died (13th October, 1605), but his name was still famous at the academy of which he had been the first principal. Our young Scotchman had for professors: Jean Diodati, son of a nobleman of Lucca, who had emigrated with all his family for the sake of his religion, and who admitted him into his private friendship and taught him the exegesis of the New Testament; Theodore Tronchin, who, quite a young man as yet, had been entrusted with the Hebrew course, and probably Gaspard Aletsch, an assistant of Antoine de la Faye.²

Having spent the following year at the University of Heidelberg, Cameron passed there, in April, 1608, before the lecturer, some theses on this subject, *De triplici Dei cum homine fœdere*. In these dissertations, our young scholar added to the two Covenants, the Ancient and the New Testament, which alone were admitted as a rule of faith by the divines of that time, a third one, the natural Covenant, which rests upon the testimony of the inner conscience. It is almost the same, which in the eighteenth century was called 'Natural Religion.'

Recalled to Bordeaux by Gilbert Primrose, he was appointed minister, at the end of 1608, in the place left vacant by the death

¹ See on G. Primrose, my article in the *Transactions of the Franco-Scottish Society*, March, 1910.

² S. Borgeaud: *Histoire de l'Université de Genève*, I^{re} vol., l'Académie de Calvin, Genève, 1900, p. 371.

of Pasteur Renaud, and preached at the church of Bègles.¹ This church Cameron unfortunately found troubled by quarrels, dating from the beginning of the century. The church was divided into two camps : that of Primrose and that of Renaud.

Cameron exercised there a fruitful ministry for seven years. Two of his letters, addressed to his former professor at Geneva, Jean Diodati,² throw a curious light upon the situation of the Protestant minister at Bordeaux at that time, and on the character of the author himself :

I continue always to preach Christ crucified and risen from the dead; but my utterance is weak, and this people are accustomed to hear the sound of a trumpet. Nevertheless God makes me feel that I edify both others and myself, for which I praise Him from all my heart. If it had pleased the Lord, I would have wished to be used in a more retired place than this. I naturally abhor show and noise, I am used to a quiet and private life; here I have no intimate friend. I have many friends, thank God, but no intimacy with any one. Their disposition does not allow them to be at all intimate with their pastor, and it seems to them, that propriety requires that he should not mix up with them, except in the exercise of his ministerial duties, either when preaching in public, or when censuring before the Consistory, or when exhorting and catechising from house to house. So that there is no mark so much a mark as I am. I like the pastor to be revered; but I have no desire to be honoured as a ruler of disciples, but rather as a shepherd of sheep, or as the father of children who are grown up, I will say rather as a brother among brethren.

To mitigate my solitude, I have resolved to marry, and the matter is so far advanced that nothing remains but to solemnize the marriage. I am not forming an alliance, however, with anyone of my congregation. Their excessive respect prevented my knowing, and consequently, loving them . . . ; but having been employed in an important matter by some brethren in the Highland of Guienne, I went there and became acquainted, on that occasion with her, whom I am now going to marry. She is of a good family, well to do, sweet tempered, and, what has chiefly drawn me to her, is that she is truly God-fearing, brought up piously from her childhood, and trained in the reading and hearing of the Word of God. Her father, a rich man and well connected, notwithstanding my poverty and my foreign extraction, and which means more in that country than in France,³ without communicating the matter to any of his relatives, gave me his daughter, aged seventeen. Such is the godliness of this good man.⁴

¹ Bègles is a suburb of Bordeaux where the Protestants had their church.

² These letters are to be found in the library of the University of Leiden (Netherlands), where I found them some years ago and published them in the *Bulletin de la Société d'Histoire du Protestantisme française*, 15th March, 1901.

³ i.e. what we would now call the central provinces of France.

⁴ Written from Bordeaux, 19th April, 1610.

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And so Cameron married Suzanne Bernard, at Tonneins, and this union was a great source of happiness and strength to him. She gave him five children, of whom only three daughters survived him. He had great need of this comfort, to enable him to face the tempests which were about to assail him even at Bordeaux.

Premonitory signs of this are apparent in his second letter to Professor Diodati, dated 7th February, 1612.

We are wretched, our divisions are increasing daily ; not, however, that anyone of the majority would disband ; but the bitter discussions at Saumur are fermenting, by the continuance of the same bad proceedings.

Our deputies have orders to return from Court, not having gained anything ; I mean the deputies of the provinces. You can easily guess who gets the blame. Mr. Maniald is overwhelmed with slander. And I, who believed from my heart, who have protested with my mouth, that all war against the sovereign magistrate is unlawful, who have even declared it publicly on every occasion ; I have not always been able to avoid the venom of these evil tongues. This, Sir, is how we are situated.

The politico-religious situation in the south-west of France was very disturbed in the year 1615. The Huguenots were discontented with the first acts of the Regent, Mary of Medici, widow of Henry IV. Among others, with reference to the project of the double Spanish marriage, the rumour got abroad that the new government wanted to destroy the Protestants. The Prince of Condé had tried to exploit this discontent for his own ends, and, in a manifesto addressed to the Protestants, he predicted to them the approaching abolition of the Edict of Nantes. Several noblemen of Dauphiné and Languedoc had responded to these advances, and, among the first ones, the Duke of Rohan had taken the field in Saintonge.

But two wise advisers of the Huguenots, Duplessis Mornay and Duke of Sully, warned them to mistrust the intrigues of Condé and exhorted them to lawfully obey the young King Louis XIII.

Cameron, who was a royalist and a moderate, found himself caught between two fires. The Protestants, with a republican tendency, reproached him for his cowardly concessions to the royal power ; and, on the other hand, the Roman Catholic preachers accused him of being a foreigner, and fermenting disturbances in the 'Most Christian' kingdom, for the benefit of England. Cardinal de Sourdis, archbishop of Bordeaux, called a certain Parent, dean of Rheims, a doctor of the Sorbonne, to preach the Lent sermon of the year 1615, in that city. Parent, having attacked the Refor-

mation from the pulpit, Cameron offered to reply to him, and had a public dispute with him on 24th and 25th April.¹

In the course of the discussion the priest found himself on the horns of this dilemma : he must either confess that the Roman Catholics did not believe in the Son of God, or concede that they were assured of salvation by virtue of the text : '*He that believeth in the Son hath everlasting life,*' which was the Calvinist tenet.

It appears, indeed, though we have not the Roman Catholic account of that theological dispute, that the doctor of Sorbonne came out very badly ; for the archbishop of Bordeaux called another champion to the rescue, a certain Spaniard who gave himself out as a Swiss. This man published a series of pamphlets, in which he accused the Calvinist ministers of tampering with the Holy Scriptures, by giving them a different meaning from that of the Fathers of the Church. He maintained, among other things, with regard to the foregoing text, that Christians can only have a hope of salvation, and that it was presumption on the part of the Protestants to claim certainty about the matter. The Spaniard especially took our Scotchman to task, as can be seen from the title of the first of these pamphlets : '*A definite statement by a Swiss, in answer to J. Cameron, minister of Bègles*' (8th May, 1615).

Cameron replied to him in a pamphlet entitled : '*An appeal to the Court, against the pretended statement made against Mr. Cameron under the name of an asserted Swiss, and confirmed by Cardinal de Sourdis*' (Bergerac, 1615).

His adversary, who had concealed his identity, replied by two fresh pamphlets entitled : '*Spiritual pills, for the use of the body and soul of Cameron, in order to rid him of the despair and rage that possesses him against the book of the Swiss,*' and '*The Banquet of Roman Catholic truth, as opposed to the frightful lies given forth by Cameron.*'

The titles alone give an idea of the violence of these polemics, which, spread abroad by the press, increased still further the disturbance of those minds already troubled by the political situation. The rumour having got abroad that, at the first disturbance, the Huguenots would take up arms and take possession of the city, the Bordeaux Parliament issued a decree, that all who belonged to the Protestant religion were to give up their arms at the Town Hall, to dispel not all mistrust, but, at least, the fears

¹ Conference between Cameron, pastor of Bordeaux, and Parent, preacher in the Church of St. Peter, Bergerac, 1615.

which had overtaken several people, through their own weakness or through evil design, and to dispel all ground for sedition.¹

As soon as they knew the decree of Parliament, the two ministers of the Reformed Church, Primrose and Cameron, called the Session to deliberate as to whether it was best to continue the Protestant service at Bègles.

The advice of many was to carry it on. The ministers, on the contrary, wanted to retire and discontinue the public worship, in order to deprive the Roman Catholic authorities of any pretext for disarming the Protestant population. They got the majority. Then two lawyers, who were in the minority of the Presbytery or Session, named Saint Ange and Lauvergnac, petitioned the Parliament to compel the ministers to continue their office, 'To the great regret of good Frenchmen of both religions,' they said, 'there are now two opposite parties: one anxious for public quiet, the other enemies of the peace. The proceedings, they were taking, in asking for the continuance of public worship at Bègles, were not on account of zeal, but because by discontinuing it, they cut themselves off, with their own hands, from benefiting by the Edict of Nantes.'²

Saint Ange added some personal accusations against the two ministers, insinuating that, by their position as Scotchmen, they were fermenting discords in the kingdom, to the benefit of a foreign sovereign, and reproaching them with disturbing the Church by their departure.

The Parliament of Bordeaux, acceding to this petition, gave out a decree (dated 5th January, 1616), by which Primrose and Cameron were called upon to continue the exercise of public worship, under penalty of being prosecuted as disturbers of the public peace. At the same time it ordered the '*Jurats*'³ of Bordeaux to see that those who belonged to the 'would-be reformed Religion (*Religion prétendue réformée*) might come and go freely in and out of the city.'

Primrose and Cameron, indeed, having very little confidence in the impartiality of Parliament, appealed to the 'Chambre mi-partie' at Nérac,⁴ and then left Bordeaux. Cameron joined the

¹ Decree of December 29th, 1615.

² *Mercurie français*, vol. iv. p. 377, Paris, 1618.

³ The Jurats were the magistrates entrusted with the town interests.

⁴ So were called the courts established by Henry IV., according to the Edict of Nantes, to render justice to the Huguenots in their lawsuits with Roman Catholics.

Duke of Rohan, at Tonneins, where he wrote under the title '*Stelententicus*,' a reply to the accusations brought against him in Saint Ange's petition to the Parliament.

In this pamphlet, Cameron indignantly denied the accusation of high treason, by reminding his adversary that the Scotch had been, by royal privilege, adopted as it were into the French nation, and he explained, in this way, the cause of their sudden departure from Bordeaux :

You say that, by our departure, the Protestant church has been struck with terror; and that many have fled, on account of our example. In saying this you have uttered two falsehoods in one breath. After all, nobody has been affected by our exile. It is true that we retired so, that the Church might remain, and we left secretly, that the odium of our retreat might fall only on ourselves. It is the duty of a good pastor, not only to sacrifice his life and his fortune for his flock, but also, if the safety of the flock demands it, even his reputation.¹

Cameron lived at Tonneins, probably with his wife's family, for nearly eighteen months, and only went back to Bordeaux, as did his colleague Primrose, in the early days of June, 1617. The ministers had hardly returned, when they convoked the church session, which summoned the two lawyers to appear before it, and blamed their proceedings. Saint Ange and Lauvergnac appealed from the censure to the Parliament, which declared the act of the session illegal. Both, then, were excommunicated, as 'despisers of God, and disturbers of the peace of the Church.' Parliament annulled the vote of censure as abusive, on 9th July, and sentenced Cameron to a small fine. The ministers, however, backed by the General Synod of Alais, appealed to King Louis XIII., who brought the matter before his private council, where it became entombed.

It is easy to understand how much these proceedings helped to increase the division in the church at Bordeaux and, although, after so long a time, it is very difficult to judge which side was most in the wrong, Cameron's way seems to me inconsistent with his theory of obedience to the civil authorities, and he shewed unnecessary animosity against the two lawyers.

He seems to me also, not to have kept within bounds in another matter, concerning the pirates Blanquet and Gaillard. These two sailors of La Rochelle, who were Protestants, had

¹ *Santangelus sive Stelententicus in Eliam Santangelum causidicum Ruppelii* (La Rochelle, 1616).

conceived the project of making themselves masters of the mouth of the river Gironde. Having seized the town of Royan, which lies on the right bank, with five vessels, they ransomed all the trading boats which went up the river. Disowned by the magistrates of La Rochelle, they were pursued by the vice-admiral of Guienne, captured and condemned by the Parliament of Bordeaux to be broken on the wheel as pirate captains. In vain they asked to be judged by the *Chambre mi-partie*. Parliament refused, and ordered the sentence to be carried out on the 25th of June. Since they were Huguenots, permission was given for a minister to offer to them the consolations of their own religion. Cameron was given this charge, and he performed therein one of the most painful duties of his ministry. After having talked with them, he conceived such an admiration for their courage, that he almost overlooked the fact that they indeed were guilty of piracy, and published, under the form of a letter to Polimes, minister of Marnay, the story of their last minutes, entitled : *The constancy, faith, and resolution of Captains Blanquet and Gaillard at their death*.

However, the Parliament of Bordeaux, seeing in this pamphlet an apology for criminal acts, ordered, by a decree of the 24th July, 1617, all copies of it to be burned by the executioner.

The church at Bordeaux had been, from the year 1613, in communication with the Church and the Academy of Saumur, with regard to a young minister, Louis Cappel,¹ who was greatly esteemed as a Hebrew scholar, and who, because of the paucity of the ministers, had been lent to Saumur by the Church of Bordeaux. Philippe de Mornay, Governor of Saumur, and patron of the academy established in that city, had from that time conceived a great esteem for Cameron.

When the lectureship of the exegesis of the New Testament became vacant, in consequence of the call of Professor Gomar to the University of Groningen in Holland, the senate of the Academy of Saumur, in May, 1618, begged Cameron to accept this charge. In accordance with their votes, Marc Duncan, master of the College of Saumur, was deputed with three letters : one for the ministers and elders of Bordeaux, a second for Gilbert Primrose, and the third for John Cameron. The latter was disposed to go, and, after some delay, the Church of Bordeaux, on

¹ *Register of Proceedings of the Royal Protestant Academy of Saumur*, sitting of December 16th, 1613.

Primrose's advice, agreed to the request of Mornay and Duncan. Cameron began at once to preach, to lecture and to take part in the disputes in the academy.

However, the definitive nomination of Cameron, as Professor of Divinity, did not depend solely on the goodwill and the vote of the Saumur High School ; it was necessary, in accordance with the rules of the discipline of the Reformed Church, for him to be examined by a committee of the provinces of Anjou, Maine, Touraine, etc., that the choice of the academy might be confirmed. There were, indeed, two candidates for the vacant chair at Saumur : De la Coste, minister of Dijon, and John Cameron,

Therefore, on the day fixed, August 8th, both appeared at Saumur, before the board of examiners, which was composed of two delegates from each of the colloques of the said provinces, and four ministers from the neighbouring provinces, Poitou, Berry, Brittany, Normandy. Mr. Bouchereau, minister of Saumur, was chosen as 'moderator.' The candidates had to give two public lectures in Latin, and to pass some theses, which had been printed and distributed a month before. De la Coste failed so miserably in his first lecture, delivered in August, that he fell ill ; he insisted nevertheless in trying to pass his theses. The board of examiners decided that he was not fitted for this most important office.

Mr. Fleury, chairman of the committee appointed by the synod of the three provinces, declared publicly, before the whole academy, that Mr. Cameron was well qualified for the lectureship in Divinity, to which he had been called. Consequently, on August 22nd, the successful candidate presented himself before the senate of the academy, and was received by the said company, and asked to take his place as a member of the faculty, as also to be on the bench, and to take the rank of Professor of Divinity, and to walk in order in his rank with the other professors of this academy.¹

A fortnight later Duplessis Mornay gave an account of the event in a letter to Primrose, minister at Bordeaux.

Mr. Cameron is going away, partly to take leave of your Synod and partly to bring his family here. His modesty will prevent his telling you the whole truth ; so, I feel bound to inform you of it. I will tell you, then, that envy and calumny have only served to set off his virtues, the whole Senate here being so satisfied with his efforts for purity and depth of doctrine, and moreover, so much edified by his candour and modesty, that

¹ *Register of Saumur*, sitting of August 8th and 22nd, 1618.

there is nobody but admires and embraces the singular graces of God in him. . . . I rejoice then with you as his best friend.

The Academy of Saumur had then for principal : Louis Cappel, Professor of Hebrew ; Marc Duncan and Burgersdyk taught Philosophy and Mathematics, Geddes, the Greek tongue. Cameron was the only Professor of Theology there from 1618 to 1623. He began his lectures on June 13th and had to interrupt them in October, in order to fetch his wife and children, whom he had left at Bordeaux.¹ He came back at the end of November, bringing with him his discharge, given by the church at Bordeaux, and approved by the provincial synod of Low Guienne, held at Castel-Jaloux, and began immediately to perform the double office of pastor and Professor of Divinity. There remain twelve sermons preached by Cameron at Saumur, which reveal him as a good exegete and polemist, but do not give a high idea of his power as an orator.²

This is the way in which his teaching was arranged by the resolution of the senate of the academy : 'Although the laws of our Academy, it is said, decree that each professor of divinity shall give four lectures a week, Mr. Cameron will, for a time, be relieved of one lesson a week for his own convenience, allowing him to begin to give four when it suits him. And, as to the private disputes, he will hold one, lasting about two hours, every week. As to the public disputes, the course of dogmatics and the disputes, which have until now been held in this Academy, having been formerly given up, the aforesaid course will be recommenced as soon as possible, and the public disputes will be continued month by month. As to the subject of his lectures, Mr. Cameron will continue to explain the passages of most notable and well-known difficulty, which are to be met with in the New Testament.'

According to this decision, Cameron explained various passages in the Gospels with a perspicuity and a learned precision which have won for him even the praises of the Roman Catholic exegete, Richard Simon.³

These texts led him to treat, in the following year, the question of the Church. He examined in turn, by the light of the Gospel, her name, nature and position, her dignity, duration,

¹ *Register of Saumur*, November 20th, 1618.

² See Cameron's *Opera*, Geneva, 1642, 506-516, 800 and foll.

³ *Theses Salmurii habitæ*—*Cameronis Opera*, Geneva, 1642, p. 332.

constancy in holding the truth, her jurisdiction, government, and finished with the question of Schism. He shewed the wrong foundation of the claims of the Roman Catholic Church to a monopoly of the truth, and drew a distinction between schism caused by pride and the secession which is sometimes necessary and legitimate in order to preserve the truth, as happened at the Reformation of the sixteenth century. After these subjects Cameron dealt with the Word of God. In his lectures, the Scotch divine shewed himself to be in advance of his time, and shared in the broad views of his colleague and friend L. Cappel.

On January 13th, 1621, Cameron was elected Principal of the College in the place of Principal Bouchereau, who had asked to be relieved of his duties, and had L. Cappel as vice-principal. It was under their leadership that Josué de Laplace, after a brilliant examination, was appointed Professor of Philosophy instead of Mr. Duncan, who resigned.

During his stay at Saumur, Cameron had with Tilenus, an old professor at Sedan, a conference, which gave a great stir in our churches, and even in those of the Netherlands. Tilenus, after having been an eager champion of the Calvinistic doctrine of Grace, was converted to Arminian views, and set to work to spread them with all the zeal of a neophyte. The minister of Paris, uneasy at the progress of the propaganda, looked to Cameron as the divine who was most qualified to contend with him, and engaged him to have a friendly conference with Tilenus, who agreed to this.

Jerome Groslot, an elder and person of note of the Church of Orléans, whose father had taken refuge in Scotland at the time of the massacre of St. Bartholomew, offered his manor of L'Isle (near Orléans) as a meeting-place. It was there that the dispute took place, from April 24th to 27th, 1620.

The theses by the professor of Saumur were taken from articles 21 and 22 of the Confession of Faith of the Reformed Church of France, and at the end of the friendly conference, each of the champions declared himself victorious, as usually happens.

Cameron, on his return to Saumur, gave an account of what happened at the L'Isle conferences to the Senate of the Academy. After President Bouchereau had explained that Duplessis Mornay had strongly advised him to go to that meeting, the senate, through his chairman, thanked Cameron for the pains which he had taken for the sake of truth. Then Rev. Mr. Bouchereau prayed to God that that discussion might result in Tilenus

acknowledging the truth, for the sake of his salvation and the comfort of the whole Church.¹

There were, however, many people who did not agree with Cameron's apology of his doctrine. The School of Divinity at Leyden, among others, found fault, and instructed its secretary to inform Cameron.

'We ask you to declare,' so André Rivet wrote to him, 'that you acquiesce in the judgment of those churches that have stated their opinion in this controversy.'²

Since Professor Walæus had the most harshly criticised Cameron's doctrine, it was to him that Samuel Bochart, then student of divinity at Leyden, addressed the apology for the same. Our Scotsman was very sensitive to these criticisms.

'While I was ill,' so he wrote to André Rivet, 'I received two letters from you: the one written by yourself, the other in the name of your Faculty; they are very different in style. The one is as polite as possible; the other quite rude. I have answered the one from the Faculty; I am confident that in their kindness and prudence they will be satisfied with it, yet I entreat you, sir, to forward to them this letter. . . . I approve with all my heart of the canons of the Dort Synod, and, according even to the adversaries' opinion, I am not one of them. It is absurd, when some of our own men try to impose upon me, and after all that has been said, I venture to say that M. Tilenus and his following would like the affair between him and myself to be begun again. I don't make any apology here; I expect from your kindness, that you will make one for me.'

At the time when these letters were exchanged between them, some years had elapsed since the former had left Saumur. After Duplessis Mornay had been so unjustly dismissed by King Louis XIII. from the governorship of that city (17th May, 1621), the Protestant university had been panic-stricken, and the most prominent teachers of divinity, Louis Cappel and John Cameron, had fled.³

The latter retired first to Paris, where he lived for some time with his family. On the 11th July, 1621, he preached at the temple of Charenton for the Rev. S. Durant, one of the ministers of the presbyterian congregation of Paris.⁴ He was still there on

¹ *Register of the University of Saumur*, sitting of the 13th May, 1620.

² *Epistola Facultatis Theologiæ Lugdunensis*, February, 1622.

³ See their letters apologising for their flight in the *Register of Saumur*, sitting of July 30th, 1621.

⁴ According to the Edict of Nantes, the Huguenots had not been granted a meeting-place at Paris; they must go so far as Charenton, four or five miles from Paris, to worship according to their conscience.

Sunday, 25th September of the same year, on the very day of the riots in the Saint Marcel suburb, when many Huguenots on their way back from Charenton were ill-used, and he narrowly escaped from being killed. This event made him decide to go to England.

'I must fly from Paris,' he wrote, very shortly afterwards. 'I had only just escaped these calamitous riots when my host, who is a very good man, told me that the constable had informed him that the mob was trying to kill me.'

His friends entreated him to leave; two English noblemen, Count of Cassilis and R. de Harley helped him, the former lending him his valet, the other obtaining a royal passport for Cameron, and both went with him as far as Dieppe.¹ Cameron stayed for about three months in London, from the end of September, 1621, where he had intercourse with the bishop of that city and the ministers of the French Protestant churches. The former gave him a welcome, and allowed him to deliver a set of lectures before the French refugees and other cultivated people. Cameron dealt with the subject of the right of the Reformers to secede from the Roman Catholic Church. He preached sometimes at Austin Friars, so that his fame reached the ears of King James I., who, as King of Scotland, had some regard for the Scotsmen.

Cameron was introduced to the king, who gave him a favourable audience and appointed him principal and teacher of Divinity at the University of Glasgow.

He found the Church of Scotland in great excitement, brought about by James I., who wanted by force, if not by persuasion, to make it conform to the laws and rites of the Church of England. The king had not only appointed three bishops for Scotland, at Ross, Aberdeen, and Caithness, but imprisoned, and afterwards banished Andrew Melville, the most popular of the presbyterian ministers of Scotland, and by the *Five Articles of Perth*, 1617, he had upset the liturgy of the Kirk. Boyd of Trochredge had preferred to resign his office as Principal of the College of Glasgow, rather than conform to these articles.

The position had therefore become most difficult for Boyd's successor. But Cameron always had the courage of his convictions. From the day of his arrival, 6th January, 1622, he shewed himself most loyal, in ordering that, in every class, the names of the King

¹ See Cameron's latin letter to James I., King of England, from Glasgow, October or November, 1621.

and all members of the royal family should be mentioned in the morning and evening prayers. Afterwards, being informed that Tilenus had addressed to James I., a libel entitled : '*The Canons of the Synod of Dort, with notes*,' in which Cameron himself was called a troublesome man, and a slanderer of royal authority, he wrote to the King an epistle. In his apology, he professed that royal authority is founded on divine right, and called God, his conscience, and men to witness, that he had never preached any other doctrine.

Besides being head of the college, Cameron gave a course of lectures on the controversy between Roman Catholics and Calvinists about the authority of the Holy Scripture,¹ November, 1621. But neither his skilful teaching, nor his zeal in his office could atone, in the eyes of his country people, for his compromises with the Church of England ; he made himself quite unpopular.

On the other hand, Cameron was very much attached to France, where he had hitherto so brilliantly succeeded as professor, and had found a loving and devoted wife. This love for his adopted country is reflected in two private letters, written from Glasgow to his former protector, Duplessis Mornay.

Since I have been for a long time urged by my country, and by my country's kirk to retire thither, in order to settle there, I have, thank God, constantly resisted this request, remembering my promise, which I asked you to witness. However, though the King of England took part in, I never gave way in anything, but, through prayer and reasoning, I got leave from His Majesty to go back to France, as soon as it pleases God to restore things to their former condition. I am only here for a time, having left my family in London that they might be nearer to France, if the Lord be pleased to give us peace again and, at least to restore you, Sir, to the position from which you have been deposed for a time, by the will of men.²

For months after, when peace had been restored in France, the former minister and professor of Saumur wrote to his illustrious friend, and confirmed his intention of coming back to that country at the first call.

Sir, he wrote, since God has been pleased to restore peace to France, and to give rest to his poor Church, I am of opinion, that you, who for so long have been a part of it, must resume your former place. As for myself, I have always protested that I could not stay here, without the leave of the French churches; and I never accepted any situation except for a time ; and, if the

¹ *Controversia inter Reformatos et Pontificios agitata de Verbo Dei. Prælectiones datæ Glasguae in Scotia, November, 1622.*

² Letter to Duplessis Mornay from Glasgow, 16th August, 1622.

French churches would love me as much as I love them, the King has promised me, that it would be for him matter of conscience to keep me far from them.

At last the so long wished for time arrived. Cameron was informed that the principal synod of Anjou had appealed to the board of the general synod of Charenton, asking that Cameron might be reinstated in his former office as Professor of Divinity at the Academy of Saumur. Cameron left Scotland without any regret, since he had failed in the conciliatory task entrusted to him by James I., and came back to France, which was like a second home to him. He was back in Paris in July, 1623, and attended the provincial synod of Picardy, Champagne and Isle of France, which was held soon afterwards at Charenton. There, also, a serious task was before him.

By the rule adopted at the general synod of Alais, all the ministers and professors present were bound to subscribe to the Dort decrees ; now, at Charenton, Rev. De Courcelles, minister at Amiens, refused, and, in consequence, incurred the penalty of dismissal. However, as he always had been a good pastor, the synod, before dismissing him, tried persuasive means, and asked Cameron to bring him back to the orthodox creed.

The debate took place on the 2nd August, at Paris, at Dr. Arbault's house, in the presence of the ministers, Mestrezat and Drelincourt, with Paul Testard, a student in divinity, acting as secretary.¹ Cameron was successful, to the great satisfaction of the ministers of the Protestant congregation in Paris. The Rev. S. Durant even went so far as to declare that, in matters of controversy, 'all other divines were but children compared with Cameron.'

Soon afterwards, September, 1623, opened at Charenton the national synod, which had to confirm the resolution of the synod of Anjou, about his professorship. But there, he was to meet with a bitter disappointment. Galland, the commissioner entrusted by Louis XIII. to attend the debate, handed to the chairman, so called 'moderator,' a 'lettre de cachet' from the king ; dated from St. Germain-en-Laye, 25th September, forbidding the Revs. G. Primrose and J. Cameron 'to preach or teach in the Kingdom of France, not at all' (so he wrote) 'because of their being foreigners, but for certain reasons concerning the King's service.'

This hard blow, no doubt, came from the Jesuits and from the Parliament of Bordeaux, with whom the two Scotsmen had crossed

¹ *De electionis et oppositæ reprobationis objecto inchoata Disputatio*, in *Opera*, p. 336.

swords. Cameron's position, indeed, was critical, and he did not hesitate to appeal to the generosity of the French Protestant Church, to which he had rendered so good service. He explained to the synod, that, although some advantageous posts had been offered to him in Great Britain, he had refused them all, because of his affection for the Protestant congregations in France. Now, since the King of France had closed to him all entrance into the Church or the university, he was deprived of all means of bringing up his family. The synod was moved by Cameron's petition, and, in consideration of his long services as minister at Bordeaux and Saumur, ordered a sum of 1,000 livres to be paid to him, while waiting for the king's prohibition to be removed.¹

Cameron, with a grateful heart, started directly for Saumur, which he reached in the early part of October, 1623, and he there lectured privately on the epistle to the Hebrews, writing out as well, some of his previous lectures.² It was from Saumur that he wrote to the Protestant congregation in Bordeaux his *Epistola consolatoria*, which testifies to the strong affection he still felt for them. But whilst he was condemned to silence at Saumur, dictating his lessons on the epistle to the Hebrews, he was suddenly called to Paris and obliged to interrupt his private lessons.

Soon after, probably in the spring of 1624, Cameron was permitted by the King of France to assume the office of professor at the Academy of Montauban. Altogether the presbytery of the Reformed congregation in that city called him to occupy the chair of theology, left vacant by Chamier's death.

The treaty of Montpellier, November, 1622, had put an end to the last war of religion, but had not appeased the excitement of the people in the south of France. A division had taken place between the aristocratic classes and the bulk of the Protestant population. The greater part of the noblemen, and of the well to do citizens, frightened by the progress of the republican spirit, supported obedience to the king on any terms. The lower classes, on the contrary, who were striving to share in the municipal government, and to whom the Duke de Rohan appeared as the true 'protector,' were anxious to resist, if need be, by

¹ See Quick's *Synodicon*. This sum was composed by the following items: £700 for his salary as professor; £200 for his portion as minister; and £100 for his travelling expenses.

² *Register of the Saumur University*, sitting of 12th October, 1623. Cp. Cameron's *Works*, p. 368.

force of arms, the increasingly frequent violation of the Edict of Nantes.

At Montauban, which could boast of having victoriously repulsed the troops of Louis XIII., who had in person besieged the city, both parties were so heated that they often came to blows, and the streets were stained with blood from these fratricidal fights.¹ Even the Protestant clergy were divided, three out of the five ministers : Paul Charles, Delon, and Ollier, took the side of the 'moderates,' and asserted that, as long as God's sovereignty was entire, and liberty of conscience safe, one ought to abstain from every act of violence. On the other hand, the Rev. Pierre Béraud, head of the democratic party, maintained that the Protestant cause was lost if the reactionary policy of Louis XIII. was not vigorously opposed.

Such was the disturbed state of things in Montauban when Cameron began his lectures at the School of Divinity of that city. Besides, he was under sad domestic circumstances. He lost his wife, in March, 1624, soon after his arrival. By desire of the senate of the university, the new professor had to interpret, from the Greek text, the most celebrated passages of the New Testament; however, in order to satisfy his own personal taste, he devoted the first lesson of every term to deal with his favourite subject: the authority of the Church. We have, no doubt, an abridgment of his lectures in the book *De supremo in religionis negotio controversiarum iudice*.² There he confuted the Roman Catholic tenet, that the Pope is only entitled to that office. He, finally, protested against the use of any compulsion to enforce the interpretation of any council or doctor.

At the University of Montauban, Cameron lectured for almost a year. There has been left, however, another memorial of him in the religious records of that city. Soon after his arrival he had a theological controversy with the Lady of Themines, the narrative of which has been preserved.

It is known that P. de Lauzières, Marquis of Themines, was one of the Roman Catholic noblemen who, directly after Henry III.'s death, had declared for Henry IV., still Protestant, as King of France. Mary of Medici, when widow of the latter, had

¹ Schybergson : *Le duc de Rohan et la bourgeoisie protestante*. Bulletin d'Histoire du Protestantisme française, 1880, p. 92. Compare, *Histoire véritable de tout ce qui s'est fait dans la ville de Montauban, 1627*, in 8vo.

² See an English translation of it : *Of the supreme judge in controversies on religious matters*, Oxford, 1618.

appointed him Marshal of France, and he had helped young Louis XIII. at the siege of Montauban. Now, Marie, daughter of the famous Huguenot captain, Odet de Lanoue, married, as her third husband, Marshal de Themines, a man of 72 years of age, who brought her to abjure Protestantism. The marchioness, at that time, was 30 years old, a beautiful woman, and endowed with a sweet and generous temper.¹ The name of the celebrated Scotch divine having come to her ears, she expressed a wish to have an interview with him. Therefore, Mr. Arnauld, a person of note in the Protestant congregation of Montauban, offered his house for the meeting. On the appointed day, 14th May, 1624, Cameron went to the meeting-place; soon afterwards the marchioness arrived, attended by her brother La Noue, Count of Chabannes. The listeners were, M^{lle} de la Moussaye, M^{me} de Layer, M^{me} de Caslun, and MM. Arnault, Baron d'Arcy, de Brassac, de Champenis, de Chandolan, de Turce, de Montferrier, de la Noue, and Sain. Georges de Nerac.

The story does not tell what was the result of the debate; but it is clear that the Protestants had in Cameron a champion as skilful in dialectics, as he was thoroughly versed in the Scriptures.

Thus Cameron's preaching and teaching at Montauban raised, in all minds, the brightest hopes. He had married again, 26th February, 1625, and, through his second wife, Jeanne de Thomas, he was connected with the chief families in the city. However, he suffered from the political and clerical divisions. Despite his independence of character, Cameron was a true royalist, and he openly sided with the majority of the ministers against the upholders of war. The latter, having tried to provoke hostilities, by attacking some property belonging to the Bishop of Toulouse, two miles from Montauban, Cameron did not recoil from condemning this act of violence from the pulpit, and, as some of his listeners murmured, 'Don't disturb me, wicked men,' he cried, 'since, if you go on, I will increase my voice to a thunderbolt.' From that time he was an object of hatred to the radicals, and he was soon to fall as their victim.

On the 13th May, 1625, a riot happened in the market place; Cameron ran thither with his colleagues to try to appease it by their exhortation. But these wild fanatics, without any regard to their rank, which ought to have made them inviolable, charged

¹ The marchioness, after Themines' death, was brought back to Protestantism by Rev. P. Du Moulin, and, having confessed her fault, was readmitted to the Holy Supper, in the temple of Charenton.

them with halberds. Charles, Delon and Ollier took shelter in some neighbouring houses, but brave Cameron, facing one of his aggressors, exposed his breast, crying, 'Strike, wretch!' He was at once surrounded, knocked down, trampled on, and struck with so much fury, that he would have been killed, but for the devotion of a poor woman. The widow Petit rushed upon him, protecting him with her body. So he was saved. He was carried dying to his home, where his young wife tended him most lovingly. He was taken into the country, to Moissac, to a more bracing air, but it was too late. Prostrated by weakness, which was increased by the grief he felt at the divisions in the Protestant Church of France, he died a few months later, on 27th November, 1625.

It was only ten years after his death that Cameron's doctrine came under suspicion of heterodoxy.

Pierre Du Moulin, the first, impressed on it the stigma of heresy, by coining the term *Cameronism*, and Guillaume and André Rivet, forgetting that they had themselves championed his doctrine before the Protestant synods, were not ashamed to brand his memory, along with the books of his disciples of Saumur. But they could neither dim his glory, nor weaken the marks of public approval paid to him by three national synods, at Alais in 1620, at Charenton in 1623, and at Castres in 1626. The Synod of Castres voted a subsidy of 700 francs, which was a large sum of money at that time, to his widow and children, and, after having paid their tribute to his courage and faithfulness, they voted the following resolution: 'This Synod urges the province of Anjou to procure the printing of the remainder of the late Cameron's works, and promises to undertake the cost, and to pay these expenses at the next national Synod.'

Cameron was a thorough Scotsman. He had retained the independent spirit of his countrymen, with their migratory and somewhat warlike temper, generous to a fault, courageous to rashness, as we saw in that dramatic last event of his life at Montauban; though easily provoked by contradiction, he could be fascinating to his hearers and admirers. Wonderfully gifted in conversation, he could hold the attention of his listeners for many hours. He never ceased telling personal anecdotes. He could captivate his students by his skilfulness of exposition and the solicitude he shewed them, as much as by his original views. To these abilities he owed his enthusiastic pupils: M. Amyraut, De la Place, P. Testard, S. Bochart, and others. Cameron was the true founder of the so-called 'Saumur school of divines.'

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There has been, at the University of Montauban, another man who, like Cameron, was a great scholar in exegesis and apologetics, Daniel Chamier. Both were conspicuous for their vigour of dialectics, the extent and quality of their biblical knowledge; both were formidable adversaries of the Roman Catholic Church in the theological controversies, that used to please their contemporaries; both, at last, perished as victims of the civil wars. If Chamier was superior as a man of action and good counsel in the ecclesiastical and political assemblies, Cameron surpassed his colleague in originality of thought. Chamier was an intelligent conservative, leaving to time to let fall into disuse certain external growths, such as demonology. Cameron, on the other hand, was a cautious innovator, who tried to find in the parts of the Calvinistic doctrine which had not yet been settled, so to speak, joints into which he could introduce some emendation of their dogmas, which to his mind were too severe. Who knows, had he lived longer, to what point he would have been carried by the logical evolution of his mind?

GASTON BONET MAURY.

The Inroads of the Sea

1323-1622

THE protection of the realm from the inroads of the sea is a problem which has exercised the minds of successive sovereigns and their subjects from the earliest times to the present day.¹ Traditions still linger of the loss of ancient cities, stately churches and vast tracts of land, and modern geologists seek to demonstrate the existence of submerged forests round the coast.

The earliest account of the building of a sea-wall, that I am aware of, occurs in the time of Edward III. It is given in a return by the keepers of the Archbishopric of Canterbury, during the vacancy of the See in 1328. The wall was made for the protection of 550 acres of marsh land in Graveney and Hern Hill, Isle of Thanet, by various landowners, who benefited thereby. The material words of the record are as follows:

‘In defence of which (marsh) flowing with the consent and will of the Lord Walter then Archbishop of Canterbury and of his tenants there and of all other men of the parts aforesaid tenants of the marsh aforesaid in the month of June in the year above said (*i.e.* 1323-4) a certain wall was made there containing in length 320 perches and in breadth 2 perches whereby the aforesaid marsh was inclosed and defended until Friday next after the Feast of St. Vincent in the first year of the present Lord the King.’² A few years afterwards the wall was injured by the force of the sea, and the jurors taxed each of the 550 acres at 10d. for repairing it.

¹ In 1906 a Royal Commission was appointed to enquire and report (*inter alia*) as to the encroachment of the sea on various parts of the coast of the United Kingdom, and the damage which has been, or is likely to be caused thereby, and what measures are desirable for the prevention of such damage. See *The Times* of 4th July, 1906. The Commissioners have not yet issued their report.

² Chancery Miscellanea, Bundle 7, No. 5, A.D. 1328.

Among the officers of the manor of Ingoldmells were graves or reeves of the sea-dikes or banks, whose duty it was to see that all defects were repaired, and to distrain those who did not repair the portion for which they were answerable, the township deciding what was necessary.¹ In Edward II.'s reign Ebulo le Strange was in possession of the manor in right of his wife, and during that reign (1307 to 1327) there are records of five Orders of Attachment on the Court Rolls against various persons for doing damage to or pasturing on the sea-banks, for mowing the dunes and herbage outside the bank of the sea 'against the defence of the sea for the salvation of the country,' and for making unjust ways beyond the sea-banks. There is also a quaint entry under date 24th October, 1325, which proves that, according to the custom of this manor, the tenants were strictly bound to do nothing which might have the effect of letting the sea in, viz. 'William Elrikes is distrained by four cows because he mowed the brambles outside the sea-bank which is the defence of the whole community of the vill of Skegness² against the custom used and they are replevied (*i.e.* re-delivered) by the pledge of (so much) to be at the next Court to make amends if justice shall require.'

In the next reign (Edward III.) there are entries in the Court Rolls to show that the tenants were in mercy for neglect to repair the sea-banks. In 38 Edward III., John of Gaunt, Duke of Lancaster, is mentioned on the Rolls as lord of the manor of Ingoldmells, and ten years later, at a Court of the Lord Duke, held on 11th November, 1374, his 'grave'³ or reeve, one John Thori, accounts that he has paid for the repair of the bank of the sea 13s. 4d. by view of the steward, the bailiff, and the other tenants of the lord. As is well known, John of Gaunt died shortly before the resignation of his nephew, Richard II., in 1399, and his vast estates passed to his banished son, Bolingbroke, who in the same year became Henry IV. The manor of Ingoldmells, therefore, came to the Crown, and on 5th November, 1 Henry IV., 1399, the Court held at Ingoldmells is that of 'Henry, King of

¹ These particulars are taken from *The Court Rolls of the Manor of Ingoldmells, in the County of Lincoln*. Translated by the Rev. W. O. Massingbred, M.A. (1902). Spottiswoode & Co., Ltd. At that date the lord of the manor was C. F. Massingbred Mundy, Esq.

² In the time of the Plantagenets Skegness was a great and important town. See *The Story of Lost England*, by Beckles Willson, 1902; G. Newnes.

³ Cp. the term 'grieve' in Scotland.

England.' In one of his great Courts (5th March, 1410) there is an allusion to the customary obligation (dating, as already shown, from times before the manor reverted to the Crown) of the tenants and others to repair the sea defences. John de Burgh and Robert Barburgh were elected to the office of keepers of the banks of the sea. Their duties were to guard, and cause to be repaired, all defects at Skegness according to the custom before due, and to compel all others within the lordship to help them to distrain for the repair of the banks in the places defective. This case of Ingoldmells is a clear instance of the obligation of tenants of a manor arising by custom.

The inhabitants of more populous districts appear to have been equally watchful. Early in the reign of Edward II. the burgesses of Conway petitioned the King for a grant of the right of collecting certain tolls under the name of *murage*, for the repair of the walls and towers of the town, 'in great danger from the waves of the sea, which beat upon them from day to day,'¹ and at the Record Office there are sundry patents of various dates granting a similar right to the burgesses of Great Yarmouth, who held their borough under a charter of King John dated 1208, as well as accounts of collectors of murage from 1336 to 1345.

From the earliest times the King was accustomed to issue commissions to inquire into the state of sea-walls and other defences against the sea in particular districts, and, where such works were found defective, to order their repair, and to make ordinances for their future maintenance, assessing to the expense of the work not only the party to whom the land fronting the sea belonged, but all who derived benefit from the works.² In the forty-first year of Edward III.'s reign, for example, a commission was directed to Thomas de Ingelby and others to inquire concerning certain defects in the walls and dykes and other defences against the sea, 'in the parts of Holderness' in Yorkshire, and to certify who was responsible for neglect in repairing them. Inquisitions were thereupon taken in the following year (1368) by jurors of the Liberty of Holderness,³ certifying the names of the lords of manors and landowners in Holderness who were bound to undertake the repair of the several walls and dykes along the coast.

¹ Ancient Petitions, File 188, No. 9365, A.D. 1305.

² *Henly v. Mayor of Lyme-Regis*: 5 Bingham's Reports, 1828, p. 109. *Hudson v. Tabor*: 1 Queen's Bench Division, 1876, p. 33.

³ An area of jurisdiction within specified boundaries.

In Kent we find the existence of Last Courts in which orders were made to levy taxes and impose penalties for the preservation of the marshes.¹ Particulars are given in the Lambeth MSS. of a Last Court for Lyden or Lydd Marsh, Pegwell Bay, held there on 10th April, 1424 (2 Henry VI.). The Lords of the Fees appeared, namely, the Lord Marcellus, Abbot of St. Augustine Monastery, Canterbury; Sir William Molassh, representing the Prior of Christ Church, Canterbury; William Murrey (for the Abbot of Langedon), Sir Thomas Pocock (for the Prior of Dover), James Bell, Mayor of the town of Sandwich, with the commonalty of the same; Roger Clyderowe in his proper person, and many others of the community of the country with their attorneys. And there also appeared nine jurors. After the election of a new bailiff, the jurors presented that there were in the common water course many cores from 'Kemperes bregge' as far as 'le Pynnok' which the Lords of the Fees and the commonalty were bound to amend, that certain marshes were defective by the default of the community, and that the wall of Sandwich was damaged in twenty places by flooding of the water owing to the neglect of the mayor and commonalty to repair.

A Scot was then assessed, the assessment being made before the Lords of the Fees and their tenants having lands in danger of the sea (*sub periculo maris*), viz. each acre was assessed at three pence for the defaults within written by the bailiff and jurors. And a day of payment of the money so assessed was assigned before the Feast of Pentecost next to come. This record is one of great interest. Here you have the local magnates of the whole countryside assembled at a solemn Court for the purpose of hearing evidence given against them of past neglect of their duties, and submitting to an assessment being made against them as well as their tenants. There can be no doubt as to the legality of the proceedings. The lords, lay and spiritual, were represented by their attorneys at the court, and no objections appear to have been made to the assessment.

Prior to the dissolution of the monasteries by Henry VIII. in 1535 the manors of Hampton and Toddington, Sussex, belonged to the abbey of Syon. Extracts from the ministers' accounts, 1-2 Henry VII., 1485 (*i.e.* accounts rendered by ministers or bailiffs of the abbey), show that sea-walls were built and maintained at the expense of the abbey, which, however, generally threw the responsibility of the repairs on its tenants. Among the Conventual

¹ Wharton's *Law Lexicon*, 1892.

Leases (Augmentations, Middlesex) there is one, No. 66—a lease dated 14th January, 29 Henry VIII., 1538—by the Abbess and Convent of Syon to Paul Clarence, which contains a covenant by the lessee to repair the sea-walls belonging to the farm or manor place in Lytle Hampton, and to leave them well repaired.

The manors of Walton-cum-Trimley and Felixstowe Priory in Suffolk both lie to the south of the river Deben. With some slight interruptions the manor of Walton belonged to the Earls and Dukes of Norfolk from the time of the Conquest down to the reign of Henry VIII., and there are many records relating to it, but comparatively few concerning Felixstowe. In 1531 the priory and manor of Felixstowe were granted to the Duke of Norfolk, and in 1544 he conveyed the manor of Walton and the rectory of Walton with Felixstowe to Henry VIII. They remained in the Crown until 1628, when Charles I. granted out the manor of Walton-cum-Trimley and the manor or priory of Felixstowe to Ditchfield and others, trustees for the city of London.¹ From an Exchequer decree taken in 1573, when the manors belonged to the Crown, it appears that 'laws and ordinances' had been made for the maintenance of the marsh walls in the manors of Walton and Trimley, persons were commissioned to take order for the continual maintenance of these walls, and it was decreed that such orders be henceforth duly observed.

In 1588 the Queen's tenants of her manors of Walton-cum-Trimley, Felixstowe and Dodness in Falkenham brought suit in Exchequer against Thomas Pratte, probably another tenant or inhabitant, to compel him to repair the sea-walls of the marshes belonging to the manor of Pursell's in Falkenham. In 1619 James I. granted a lease of the manor of Walton-cum-Trimley and the priory of Felixstowe to Sir Robert Naunton for twenty-one years. The lessee covenanted to maintain shore-banks and sea-walls.² It would seem, therefore, that the duty of maintaining the sea defences devolved on the King's tenants when the manors were in the hands of the Crown.

The Court Rolls of the manor of Selsey, Sussex, are instructive and interesting on this point.³ This manor passed into

¹ *Patent Roll*, 4 Charles I., p. 35, 1628.

² *Patent Roll*, 17 James I., p. 11, No. 15, 12th July, 1619.

³ In the story of our submerged coasts Selsey occupies a prominent place. 'Perhaps no point off the coast of Sussex presents such interest to the student of Lost England as the waste of waters immediately fronting Selsey Bill. Standing on the verge of that promontory, the visitor to-day, directing his

the hands of Queen Elizabeth by exchange in 1561. At the Court held on 28th September, 1575, the tenants were ordered to repair the wall against the sea and the marsh lately acquired from the sea before the Feast of All Saints, under pain of 5s. to every one making default—an indication that reclamation as well as coast protection was in progress. In the next year the Homage¹ present that John Knight had not repaired his part of the wall against the sea as ordered at the last Court. He is therefore in mercy and ordered to cause it to be repaired before the next Court on pain of 5s. At a Court held in 1571 William Mar was amerced 4d. for not repairing the 'Slype' wall, and all the tenants were ordered to repair the 'Dammer' (probably dam) Gate. Apparently the tenants were negligent, as the fines became heavier. On 1st October, 1591, they were ordered to repair the common wall against Northfield (an arm of the sea, which from its name seems to have been land submerged) under pain of 10s. to everyone failing in aid, and to go to the sea-walls 'for the survey' on the following Monday next at daybreak before 7 o'clock, under pain of 40s. to every absentee. The Court Rolls frequently refer to the choice of surveyors or 'curemen' of the mud-walls and sea-walls, which were apparently planted with marrum or other grass, since there is a curious entry under date 28th September, 1584, forbidding the tenants to go upon 'the sea-wall while it is *green* to the Parsonage under pain of 3/4.'² Another entry regarding Selsey is dated 29th March, 1588, when it is stated that all the tenants were ordered to repair the earthen wall against the sea before midsummer.

There is an important statute of this reign dealing with the sea coast defences of the whole of Norfolk, which shows how the old Highway Acts were called in aid of coast protection. It is entitled *An Act for repairing and maintaining of the Sea-banks and*

face seaward, may, if he chooses, conjecture that in the ruffled expanse of breakers, exactly one mile distant from where he stands was founded the first monastery in Sussex after the establishment of Christianity in England' (*Lost England*, by Beckles Willson, 1902 ; G. Newnes).

¹ The Homage jury, consisting of tenants that do homage, is an incident of the Court-Baron, the most essential component of a manor. They are required to make presentments of the death of tenants, surrenders, admittances, and the like. See Wharton's *Law Lexicon*, 1892.

² In his work on *Rural England*, vol. ii. p. 467, Mr. H. Rider Haggard alludes to the practice adopted by Lord Leicester on the Wells sandhills in Norfolk of planting fir and pine trees and marrum grass for the protection of the coast.

Sea-works on the Sea-coasts in the County of Norfolk, 27 Elizabeth, cap. 24 (1585). Three previous general Acts relating to the repair of the highways are recited, viz. (1) 2 and 3 Philip and Mary, cap. 8 (1555), whereby the constables and churchwardens of every parish in the realm were empowered to elect surveyors of highways and to appoint certain days for the amending of the ways and whereby the parishioners were charged to supply the necessary labour and implements, including carts, oxen, horses and other cattle, and certain pecuniary penalties were imposed for default; (2) 5 Elizabeth, cap. 13 (1562), extending the provisions of 2 and 3 Philip and Mary, cap. 8, and dealing with offences under the Act, the justices of every county being empowered to assess such fines in case of default as they think meet; and (3) 18 Elizabeth, cap. 10 (1576), extending the provisions of the two earlier Acts.

This statute of 27 Elizabeth also recites that the sea-banks and sea-works in sundry parts of the sea-coasts within the county of Norfolk (not being within the particular charge of any person or persons or of any township or to be maintained by any other common charge) were by the working of the sea ruined and decayed, and provides that the justices of the peace in Norfolk should take order for the repair of the same, and further, that every person dwelling within three miles of the sea-banks and sea-works should, during so many days as were limited and appointed in the General Sessions of the county in respect of their labour and carriages, stand charged with the making, repairing, and amending of the sea-banks and sea-works, as by the former statutes they stood charged with the amendment of the highways. The same penalties were to be enforced as under the Highways Acts, and the high constables of every hundred were to act as surveyors and to supervise the works. Statutes of a like nature were passed in previous and subsequent reigns for other districts.

The King has from an early period had the right as part of the prerogative to defend the realm against the waste of the sea and to order the construction of defences at the expense generally of those who are to be benefited by them.¹ He acted by means of a Commission of Sewers.² The first Statute of Sewers is

¹ Per Lord Coleridge in *Hudson v. Tabor*, L.R. 2 Q.B., 1877, p. 293.

² Per Lord Justice Brett in *Attorney General v. Tomline*, Law Reports, Chancery Division, xiv., 1880, p. 67. The term 'sewer' used in this sense means a trench compassed in on both sides with a bank, and also includes a marsh-wall or embankment. See *Coulson on the Law of Waters*, 1880, p. 444.

6 Henry VI., cap. 5 (1427). After reciting that great loss and damage to the realm had occurred by the great inundation of waters (*les graundes creteines del eawe en diverses parties du Roialme*) and that greater damage is like to ensue if remedy be not speedily provided, it enacted that during the next ten years several Commissions of Sewers should be made to divers persons by the Chancellor of England for the time being to be named in all parts of the realm where needful. The form of such Commissions is then set out in Latin.¹ But the most important parliamentary provision on this subject is the Great Statute or Bill of Sewers, 23 Henry VIII., cap. 5 (1531-2), which, after reciting that great damage and loss had been caused by the 'outrageous flowing surges and course of the sea upon marsh ground and other low places,' directed Commissioners of Sewers to be appointed by the Lord Chancellor, Lord Treasurer, and two Chief Justices with powers as prescribed.²

The principal duties of the commissioners were to survey walls, streams, ditches, banks, sewers and mill-dams, and to amend and repair the same; to take evidence as to damage caused by obstructions and to punish acts of trespass, to appoint bailiffs, collectors, surveyors, and other inferior officers, to make ordinances and provisions for safeguarding and preserving the premises, and to fine and punish any persons who hindered the carrying out of the works.

There is a learned authority on this subject, who is frequently quoted in legal text-books and judicial decisions relating to the law of the seashore, viz. *Callis on Sewers*. In August, 1622, Mr. Serjeant Callis delivered a course of lectures³ at Gray's Inn

¹ *Statutes of the Realm*, ii. 236 (1816). Subsequent Acts were passed in 8 Henry VI., cap. 3 (1429); 18 Henry VI., cap. 10 (1439); 23 Henry VI., cap. 8 (1444); 12 Edward IV., cap. 6 (1472); 4 Henry VII., cap. 1 (1488); and 6 Henry VIII., cap. 10 (1514).

² *Statutes of the Realm*, iii. 368 (1817). Subsequent Acts were passed giving facilities for the recovery of sewer rates and fines, and amending the laws relating to sewers generally, viz. 25 Henry VIII., cap. 10 (1533); 3 and 4 Edward VI., cap. 8 (1549); 13 Elizabeth, cap. 9 (1571); 12 Charles II., cap. 6 (1660); 3 and 4 William IV., cap. 22 (1833); 4 and 5 Victoria, cap. 45 (1841); 12 and 13 Victoria, cap. 50 (1849); and 24 and 25 Victoria, cap. 133, the Land Drainage Act, 1861, under which a Commission of Sewers, once issued, was to be deemed to continue until such time as it might be superseded by Her Majesty.

³ *The Reading of the famous and learned Robert Callis, Esq., upon the Statute of Sewers, 23 Henry VIII., cap. 5, as it was delivered by him at Gray's Inn in August, 1622* (London, 1647). Subsequent editions were published in 1685, 1810, and 1824. See further hereon *A History of Imbanking and Draining* (1772), by Sir William Dugdale, Garter King of Arms, who has some observations on Callis' book.

upon these statutes. In these he distinctly lays it down that frontage, ownership, prescription, custom, and covenant are among the considerations which bind persons to repair. Whilst his Biblical allusions are somewhat recondite and hardly serve to strengthen his arguments—he begins with Noah and the Flood, quotes from a chapter of Maccabees and ends with the Gospels—his work is invaluable as an historical guide for its useful definitions and copious notes on early case law and statute law.

The Statutes of Sewers have not been applied to Scotland, and no attempt seems to have been made there to deal with the problem on an extended scale. As pointed out by Sheriff Ferguson, K.C., in his work on the *Law of Water and Water Rights in Scotland* (1907, p. 95), the law relating to the rights and liabilities in respect of encroachments by the sea has received more consideration in England. Geologists would probably agree that the peculiar formation of the coast-line in Scotland has always rendered it less liable to erosion than in England or Ireland. It was the custom in the north-west of England and in Scotland, however, to plant starr or bent on the sand-hills, which kept them solid, but this was apparently done with a different object in the two countries. In 1741 an Act was passed for the prevention of the cutting of starr or bent, which hawkers and others used for the purpose of making mats, brushes or brooms (15 George II., cap. 33). Allusion is made in this Act to the practice of planting this grass, especially on the coast of the County Palatine of Lancaster, as a barrier against the encroachment of the sea, and to a Scotch Act dated 1695 intituled *An Act for Preservation of Meadows, Lands and Pasturages lying adjacent to Sandhills*, under which the pulling of bent was prohibited, and which had proved ineffectual. More stringent penalties were imposed by the amending Act of George II., which, in so far as Scotland was concerned, was passed with the primary object of preventing the sand from sand-hills being blown by the wind on to the adjacent land. That coast erosion was a secondary consideration is clear from the prominence given in the recital to the Act of 1695. But whatever may have been the urgency of the case and the intention of the Legislature in the eighteenth century, it cannot be said that the question of coast defence is one to which landowners and local authorities in Scotland are indifferent to-day.

GEORGE A. SINCLAIR.

The Feuing of Drygrange from the Monastery of Melrose

AMONG the muniments of Sir Alexander W. Leith-Buchanan, Bart., is a very careful and well written deed on 57 pages of vellum, 10½ inches long by 8 inches broad, made up bookwise and encased in limp stamped leather.

A title written in an eighteenth century hand runs thus : 'Notorial Copy of the original Grants and Charters of Drygrange by the Abbot of Melross and of the Seasine following thereon and Charter of confirmation yrof under the Great seal. Also of the valuation Stock and Teind of the said lands. In the years 1539 & 1540 Under the seal & attestation of James Galloway appostolic Nottary & specially impowered for that effect.' The document embraces and certifies a series of copies of the writs whereby between 1536-7 and 1540-1 the lands of Drygrange belonging to the Abbey of Melrose, which had formerly been set to David Linlithgow, were first let for 19 years to William his son and John his grandson and the survivor of them, and were subsequently feued to William in liferent and John in fee, on terms which, after exhaustive enquiry and evidence, received the confirmation of a papal commission. Its award, gathering all the documents into one consecutive certified transumpt, is authenticated by the hand and sign of James Galloway, of the Brechin diocese, papal notary and clerk to the investigating commission.

First is set forth the bull or papal credential shewing that John 'Guillermi' (Williamson?), licentiate in decretals, provost of the collegiate church of Seitoun in the St. Andrews diocese, and Adam Stewart, canon of the cathedral church of Orkney, as executory judges and commissioners of the apostolic see, are authorised along with the archdeacon of Sodor to act upon a mandate or bull to them issued by Cardinal Antonio in the sixth year of Pope Paul III. and embodied in extenso in the deed.

It bears that a petition had been presented on behalf of William Linlithgow and John his son and heir, setting forth that Andrew, the Abbot and the convent of the monastery of Melros of the Cistercian order and of the Glasgow diocese, on a full consideration of the circumstances which weré conducive to the advantage of the monastery, including the fact of many services rendered to them by the late David Linlithgow, father of the said William, and by William himself, in resisting incursions of robbers and thieves of England and Scotland both, not without peril of life in the defence of the persons, tenants and goods belonging to said monastery, had granted the lands of Drigrange, belonging to the said monastery and situated within the regality thereof and county of Roxburgh, to the said William for his lifetime and to John his son and the heirs male of his body bearing the surname and arms of Linlithgow, to be held in feu farm for £22 of yearly feuduty, and the petitioners craved the benefit of apostolic confirmation of the grant.

Upon this the Cardinal, exercising for the Pope the function of the *primaria*, and by his benign authority and special mandate by word of mouth, committed the matter to the discretion of the said judges, or any two of them, to make the requisite enquiries, and if they found that these things had been done to the evident advantage of the monastery, they were to approve and confirm the same, notwithstanding any apostolic, provincial or synodal injunctions against alienation of ecclesiastical property. This bull was dated from St. Peter's at Rome, under the seal of office of the *primaria*, on the 8th of the ides of September, in the sixth year of the pontificate of Pope Paul III. (6 September 1540).

The two acting commissioners or judges began by appointing for this matter James Galloway as scribe, notary and tabellion in the chapel of Gabriel the Archangel in the church of St. Giles of Edinburgh, and proceeded to enquire into the grant of Drygrange and its terms, and to examine witnesses thereupon, and issued a warrant to cite the venerable Andrew, Abbot of Melros and the convent thereof, and all others having interest to appear in the collegiate church of St. Giles, in the aisle of the Archangel Gabriel there, on 3rd February next and to cite certain named witnesses for the same diet. This warrant of citation was given in the town (*oppidum*) of Edinburgh on 21st January of the year 1540 'according to the course and computation of the Scottish church' (21 January 1540-1).

On 23rd January following William Rutherford, cleric of the Glasgow diocese, notary public, cited the abbot, convent and witnesses accordingly, the witnesses to his doing so being Thomas Vath, Thomas Gilry, and Thomas Rutherford and divers others. No one appeared in the proceedings as having interest to oppose the confirmation of the feu right which had been granted, but a full and formal diet of proof was held notwithstanding. William Linlithgow appeared for himself and his son and put in the Charter by Abbot Andrew and the convent, granting (after a long narrative of the wisdom and utility of that course) to William Linlithgow in liferent and to John his son and heir apparent in feufarm fee and heritage the lands of Drygrange with the pertinents and all the various rights usually enumerated, mills, multures and sequels, peats, coalheughs, fines, herezelds, bludewites, *marketis mulierum*, and free passage to the common of Ersiltoun, etc., for payment of 20 lib. Scots in commutation of three chalders of barley as the ferme of the said lands, teinds excluded, also 3 marks Scots of augmentation, making in all 22 lib. Scots payable at Whitsunday and Martinmas, with duplication at the entry of heirs.

A clause of warrandice against all mortals completes the deed, which was sealed with the seal of the chapter and signed at the said monastery on 18th January, 1539 (1539-40), and bore the signatures following: 'Andreas abbas, Jacobus linlithgw, Robertus liddell, Thomas marser, Johannes brovnfeild, quintigernus purves, Radulphus hudsoun, Johannes Watsoun, Thomas smyth, Ricardus chatto supprior, Johannes andersoun, Willelmus philp, Thomas brounfeild, Johannes hoggart, Robertus derling, Johannes forrouss, Thomas Meyn, David hoppringill, Bernardus bonstoun, Nicholaus Williamsoun, Thomas bly, Ricardus patonsoun.' This presumably is the full tale of the chapter of Melrose, the deed being signed by the whole convent.

Next in the engrossment follows the Instrument of Sasine recording the infeftment, the giving of real actual and corporal possession by James Sincler of Stevinstoun, bailiff *in hac parte*, for the abbot and convent to the said William Linlithgw for himself and to William Hoyer on behalf of the said John Linlithgw by delivery of earth and stone duly made at the mansion or dwelling place of the lands of Drigrange about noon on 21st January 1539, 13th indiction, 6th year of Pope Paul III. (21 January 1539-40), witnesses being Sir James Halywell chaplain, Henry Symson sergeant of the laird of Melross, David Roger and Thomas

Wallace. The notary officiating was Patrick Crawford, priest and notary of the Glasgow diocese.

Next comes an earlier writ here for its great vernacular and historical interest transcribed in full.

To All and sindry quhais knowlege thir lettres salcum Andro be ye permissioun of god abbot of melros greting in god euirlesting fforsamekle as our landis of Drigrange with ye pertinentis now occupyt and Inhabit be Williame linlithgw tenent yairof was set of auld for ten markis of money allanerly qvhill laitly in the tyme of vmquhile David linlithgw his fader tenent of ye samyn landis ye saidis Landis war reducit furth of wod and forrest to telit landis quhilkis gaif sik playntie of cornis efter thai war telit and revin furth be quhilk occasioun ye said vmquhile David wes compellit for plentuousnes of the ground at yat tyme to gif yairfor fyve chalderis of beir quhilkis thai nicht wele pay salang as ye plentwisnes remanit with ye ground And now sensyne ye saidis Landis of Drigrange be continuall vse and occupatioun yairof ar becumyn to sik infertilitie and vnplentwisnes like as our landis of dornyk galtounsie newsteid and vtheris are becumyn to quhairthrow our predecessouris and we behuvit of necessitie to defalk large sowmes of ye victuall payit yairfor of befor And undirstanding ye samyn causs Instantlie occurris to ye said Williame and yairwith havand respectis to his gud life and conuersatioun specialie in ye resisting of thevis and reverris in ye defence of him self and vtheris our tenentis of our lordship of melros in ye tyme of truble and cummer Exponyng his persoun to perrell and danger of ye saidis thevis and lymmerris And yairwith havand ye requeist and resonabill desire of our souerane lord ye kingis grace for gud service done be him to his hienes and us WE be ye aviss consent and assent of our convent cheptourlie gaderit ye vtilite and proffet of our said abbay befor said &c. considerit deligentlie tretit and ripe deliberatioun yairupoun had The saidis resonabill desire of our souerane lord ye kingis grace and pregnant caussis be ws sadlie and riplie considerit and found resonabill Wit 3e ws yairfor all in ane voce to have set and for ferme Lattin and be ye tenour heiroyf settis and for ferme Lettis to ye saidis William linlithgw and Johne linlithgw his son and apperand air and to ye langest levar of yame twa coniunctlie and severalie and to yair airis and assignais ane or ma All and sindry our saidis landis of Drigrange with ye pertinentis for all ye dayis and termes of nyntene 3eris nixt and Immediat following yair enteres yairto Quhilk salbe at ye day of ye dait heiroyf And fra yine furth to endure to ye complete Ische and outtrynning of ye said nyntene 3eris With power to ye saidis Williame and Johne yair airis and assignais ane or ma foirsaid to mak subtenentis for ye lauboring of ye said ground ane or ma as yai think maist expedient during ye termes aboue writtin To be haldin and to be had all and sindry our saidis landis of Drygrange with yare pertinentis of ws and our successouris to ye saidis Williame Johne his son and apperand air and to ye langar levar of yame twa coniunctlie and seueralie yair airis and assignais ane or ma foirsaid during ye said space of nyntene 3eris as ye saidis landis lyis in lenth and breid in houssis biggingis With all and sindry vtheris commoditeis proffettis dewiteis asiamentis and richtuus pertinentis quhat

sumeir pertenand richtuuslie yairto als weill namit als nocht namit Pay and yairfor 3eirly ye teyndis yairof beand Includit yairintill ye sovme of fyve chalderis of beir to ws and our successouris and chalmerlainis of sicklike mesour and stuf as ye said Williame gevis at ye making heirof at termes vsit and consuet And sa yare Is defalkit for ye resoun aboue writtin ane chalder of beir yat ye said landis payit of befor quhen thai war plentuis and may nocht do ye samyn now without ye said Williammis heirschip and extreme neid ffor all vthir exactionun dewite and dew service allanerlie And we forsuth ye said Andro abbot and convent forsaid sall Warrant acquitt and defend ye set & tak of ye said landis of Drigrange with ye pertinentis during ye said space aboue writtin to ye saidis Williame and Johne his son and to ye langest levar of yame twa coniunctlie and seueralie yare airis and assignais ane or maa forsaid aganis all deidly but ony revocationun obstakill Impediment or agane calling quhatsumeir In witnes heirof to thir our lettres of assedatioun Subscrivit with our handis our commoun Sele Is hungin to At Melross ye ferd day of marche The 3ere of god ane thousand fyve hundreth and thretty sax 3eris Sequuntur subscriptiones dictorum Abbatis et conuentus Andreas abbas Ricardus pantoss supprior Jacobus eldar Robertus liddell thomas marsser Nicholaus Williamesoun Robertus Derling Johannes brovnfeild Johannes liddell thomas Driden Jacobus linlithgw Robertus hay Ricardus chatto thomas brovnfeild kentigernus purves Rodulphus hudsoun thomas meyn thomas smyth Johannes watsoun Johannes hoggart Willelmus philp thomas blyth Johannes andersoun dauid hoppringill barnardus benstoun Alexander bellenden Johannes foirhouss (4 March 1536-7)

Next following is the Charter of Confirmation by King James V. under the great seal, narrating and incorporating (except for the testing clause) the feu charter above outlined and confirming it to the said William and John Linlithgw for good and voluntary service rendered by the said William, witnesses to the confirmation being Gavin Archbishop of Glasgow, Chancellor; Henry bishop of Whithorn and of the chapel royal at Stirling, James earl of Moray the king's brother, Archibald earl of Argyle, Lord Campbell and Lorne; Malcolm Lord Fleming, High Chamberlain; Sir Thomas Erskin of Brechin, Secretary; James Kirkcaldy of Grange, Treasurer; Master James Foulis of Colintoun, Clerk of the rolls register and council; and Thomas Bellenden of Auchnowle, Director and Clerk of chancery and justiciary; at Edinburgh 6th February in the year 1539 and the 27th of the King's reign (6 February 1539-40).

Following these documents come the Positions and Articles on behalf of William Linlithgw of Weltoun and John his son, on which he tenders proof. These are (1) the papal bull, (2) the earlier sett to David Linlithgw, (3) the increasing of the rent, on account of the fertility of the soil after it was broken in with great

labour to 5 chalders of victual or bear, (4) the fall in yearly value of the ground through subsequent sterility, (5) the consequent reduction of the rent to 3 chalders of bear of the measure of the monastery, (6) the fact that as previously the land and teinds together yielded a rent of only 6 chalders of bear the reduction was for the good of the monastery, (7) the subsequent setting of the lands, with the teinds, for 5 chalders, (8) the fact that the teinds of Drygrange are yearly worth 2 chalders of bear in common years, (9) the sufficiency of the said 3 chalders as rent for the lands, excluding the teinds, (10) the measure of the chalder of Melros as containing precisely 14 bolls, being two bolls less than the measure prevalent in the neighbourhood, (11) the fact that on conversion 3 chalders of bear equal 30 merks Scots in common years, (12) the augmentation of 40 shillings Scots with the duplication on entry of heirs, (13) the advantage of the monastery from the transaction : also the confirmation and ratification by King James V.: also the public voice and report to the foregoing effect in all respects. Depositions by the witnesses come next.

Thomas Cartar, of the age of 66 years, sworn as a witness and diligently examined and interrogated on the first article, refers to the *bullā penitentiaria*, judicially produced ; upon the second article, interrogated, replies that the article was true and well known, referring to the charter of the said abbot and convent, of which charter he well recognises the seal, because the deponent has a similar letter confirmed by the common seal of the lands of Landopmure ; upon the third article, interrogated, depones that the article is true and well known, rendering the cause of his knowledge in the vulgar as follows :

‘The tyme yat vmquhile Daud linlithgw occupyit ye saidis landis of Drygrange he payit allanerlie ten markis of maill And yareftir yat ye wod was cuttit & destroyit of ye saidis landis ye stokkis and rutis being revin out ye saidis landis was plentwiss and bure mekill corne And yairfor ye said vmquhile Daud was compellit be ye saidis abbot & convent of melross to pay 3erlie for ye saidis landis with ye teindis sex chalder of beir ye quhilkis micht be weill payit and takin of thai landis at yat tyme salang as it was plentwiss Bot yaireftir uithin short tyme ye saidis landis being socht and extremelie lauborit to ye vtrest be proces of tyme thai grew barget and nocht sa plentwiss as thai war of befor Becauss ye saidis landis Is a dry hard skalp ground and ane stanry hingand ground And for yat causs ye abbot and convent remittit ane chalder of beir of ye said ferme 3eirlic siclike as yai remittit to ye Inhabitaris and tenentis of galtovnsyd dornyk and newsteid Quhilkis stedingis and tovnis be process of tyme Is extreme lauborit yat yai ar nocht sa fertill nor plentwuss as yai war in auld tymes And had nocht

bene ye said Abbot and convent remittit ane part of ye said ferme the saidis tenentis and occupyaris of neid forss had left ye saidis landis unmanurit or plenist And yis ye deponar knawis perfitlie becauss he Is ane nichtbour and tenant to the abbot & convent of melros contigue adiacent to ye landis befoir rehersit And mareattour ye Deponar Deponis yat ye tyme yat ye said Daid linlithgw raif out ye saidis landis of Drygrange yat ane aker was mair fertill and plentwuss nor thre is now.'

Interrogated upon the fourth point, he depones that the article is true, rendering the same reason for his knowledge as on the third point. Interrogated upon the fifth point, he replied that the article is true, referring to letter of tack produced. And so likewise as to the sixth point. On the seventh, he refers to the foresaid charter. On the eighth point, interrogated, he replied that the article is true, and estimates the teinds of the said lands at two chalders of bear, measure aforesaid, and said teinds are only worth so much yearly. Interrogated on the ninth point, he depones on his oath that the article is true, assigning as the reason of his knowledge his being a neighbour living near by said lands and perfectly knowing their sterility and unfruitfulness, and because, he says, it was burdensome enough to the said William and his heirs annually to pay for said lands to said monastery said two chalders of bear, and too burdensome, all things considered. On the tenth point, interrogated, he replied that the article is true and publicly known, and he is well aware that the Melrose chalder contains 14 bolls of the measure of the country, which measure he perfectly knows, and by that measure he has many a time continuously for fifty years taken fermes. And so he truly believes, depones on oath, and estimates the price of each chalder one year with another at 10 marks usual current money. Interrogated on the eleventh point, he replied on oath, and by his conscience (*per suam conscientiam*) that, considering the augmentation of 40 shillings annually over and above the said 30 marks and the duplication on the entry of heirs, and having regard to the situation of the said lands near the confines and borders of the English, the old enemies of the realm of Scotland, as well as the depredation and devastation by thieves and robbers, in addition to the dry and stony sterility of said lands, he depones that said lands are set and granted to the great advantage and utility of said monastery, and, further, says that every point in the charter of feu farm is true, of which charter he recognises the seal as the common seal of said monastery. Interrogated on the

twelfth point, he replies as to the eleventh, and says on oath that the commutation of said victuals with money is for the advantage and benefit of said monastery. All the foregoing he depones for truth, and, moreover, says that the public voice and report affirms the same.

Other witnesses examined were: John Donaldson, not designed; Adam Lidhous, 54 years old, not designed; Andrew Sclater, dwelling in Newsteid, 58 years old; David Roger, 60 years old, dwelling in Reidpeth; John Trotter, dwelling in Reidpeth; Adam Alison, dwelling in Reidpeth; James Thom-soune, 66 years old, dwelling in Williamlaw in the lordship of Melros; George Alisoun, 50 years old, dwelling in the vill of Williamelaw; John Romannes, dwelling in Blanislie, in the lordship of Melros, 50 years old; Patrick Greif, dwelling in Blanislie, 50 years old; Alexander Gilry, 54 years old, dwelling in Gaw-tounsid; Thomas Wry^t, 40 years old, dwelling in Gawtonesid.

On this evidence, the commissioners promulgate their sentence, approving, ratifying, and confirming all that had been done, notwithstanding any apostolic and provincial and synodal ordinances prohibiting alienation of church property.

'Ita pronunciavimus Nos: Johannes Guillermi, in decretis licenciatus prepositus de Seitoune; Adam Stewart, canonicus Orchadensis rector de Stromsay.'

Of all which they make intimation and notification, etc., and order notarial publication. Given and done at Edinburgh in the collegiate church of St. Giles in the aisle of Saint Gabriel the Archangel on 3rd February, in the year 1540, according to the course and computation of the Scottish Church, the 14th indiction and the 7th year of Pope Paul III., witnesses being the masters and sirs James Carmure, chancellor of Sodor or the Isles, James Duncanson, Thomas Gothrasoune, chaplains, William Rutherford, notary public, and Sir Gilbert Andersoun (3 February 1540-1).

The notarial signature and docquet of James Galloway concludes the document. It is a monogram with a cross, at the points of which are two keys and two hearts. The docquet bears that Galloway as a public notary and as scribe and tabellion in the present matter was present, and saw, knew, and heard all that is set forth in the instrument, which he signed with his customary sign, fortified by the seals of the commissioners appended. Of these one remains, considerably worn, but shewing the Virgin under a canopy standing upon a shield bearing a fesse. The

wasted inscription I read with some uncertainty as s. IOHANNIS VI[LL]ELMI · [P]REPOSITI · DE · SETOUN. It is vesica shaped, impressed on a surface layer of red wax, laid over white wax, tightly secured in a metal case through which the attaching 8-inch cord passes. Fragments of wax, presumably from the other seal, still adhere to the cord.

GEO. NEILSON.

The Origin of the Fairy Creed¹

IN inquiring into the origin of the Fairy Creed, the first thing that arrests attention is the identity of the Celtic and Teutonic creeds. The differences are only such as arise from diversity of locality and society, and do not affect their spirit and essential characteristics. Both among Celts and Teutons the Fairies are the counterparts of mankind, in actions, enjoyments, dwellings, size, and modes of life. They live in families and societies, some communities being very rich and having magnificent dwellings, while others are poor and borrow food ; they have children ; dwell underground ; and go about invisibly ; bake and brew, confer prosperity, strength, and skill upon their favourites ; and steal women and children. They have delightful music and singing, and are fond of dancing. In fact, every tale regarding them to be found among the one tribe can be matched by a tale to be found among the other.

This correspondence cannot have originated from any intercourse of which history makes mention, as existing between Celts and Teutons ; the creed is known among every branch of the Celts in Scotland, Ireland, the Isle of Man, Wales and Brittany, and of the Teutonic race in Scandinavia, Germany, and Britain, so that we are compelled to the conclusion that it originated in times anterior to history. The known intercourse between these wide-spread tribes will not account for this common creed on the subject. The *Shi* people of the Celts, the trolls and *duergar* of Scandinavia, and the still-folk of Germany so closely resemble each other, that we are led to believe them to have been at one time identical. But at what time and under what circumstances the superstition spread from the one tribe to the other, it is not now possible to determine. After both tribes entered Europe, there was a long period antecedent to history,

¹This paper was written about thirty years ago by the late Rev. J. Gregorson Campbell of Tiree, author of *Superstitions of the Highlands and Islands of Scotland*. It is now published for the first time.—Ed. S.H.R.

during which we know nothing of their doings. We only know, that like all other barbarians, they were roving, unsettled, and seldom at peace, and we know also that among savage nations superstition is strangely infectious. Barbarians are unsettled in their creeds, as well as in their habits, and ready to accept the superstitions of their neighbours. At the dawn of authentic history, the Celts were situated on the shores of the Atlantic. They were the first wave of Aryan immigration from the east, and a colony of them was found wherever the Teutons, who formed the succeeding wave, settled. A belief like the fairy mythology is very likely to have been among the first things to spread from the one family to the other.

The superstition may be even older than the entry of these races into Europe. The Arabs, a Shemitic race, when they see a whirlwind in the desert, believe it to be caused by the flight of an evil spirit or jinn, and cry 'iron! iron!' So the Celt believed the Fairies travel in eddy winds, and that iron is a defence against them. Possibly the resemblance here, however, is merely accidental. Eddy winds must ever be a cause of wonder to the untutored mind, and the Arab, to whom they bring danger and mischief, has associated them with the evil spirits of his creed, while the Celt, in whose regions they cause little damage, has connected them with 'the little people' a class of beings of a different and better type than demons and evil spirits. Long after the days of Tubal Cain, iron was rare and highly prized, and it is not surprising to find it trusted to by any of the races of mankind, as possessed of divine power. In the Highlands, it was a defence against the Fairies generally, but was not deemed more efficacious to scatter an eddy wind than a shoe, earth from a mole-hill, or other handy missile.

The Greek and Roman languages have a large element in common with the Gaelic and in a less degree with the Teutonic. We argue the antiquity of the Fairy Creed from its existence among all the branches of Celts and Teutons, and consequently are prepared to turn to the mythologies of Greece and Rome for any trace of its peculiarities. The mythology and modes of thought prevailing on the shores of the Mediterranean, from difference of climate, civilization, etc., necessarily became divergent from those remaining among the wild northern nations, and any traces of identity now to be found must be indistinct. They are, however, perhaps as clear as is to be expected.

The anthromorphic deities of Greece and Rome, in their

manner of appearing, their influence over men, and the class of actions ascribed to them, frequently remind us of the Fairies, the counterparts of humanity. They conduct themselves more like the *Shi* people than like deities, who were objects of worship or adoration. The fairy mistress, or *Cannan sìth*, who compelled her mortal lover to hold nightly assignations, and gave him wonderful information, strongly reminds us of Numa and the nymph Egeria, with whom he held nightly meetings, and who gave him divine knowledge. His place of meeting with his divine mistress was at a well, and at such places the fairy women were often encountered. The Highland 'Wife of Ben Breck' is called, in the popular song devoted to her memory, 'the big wife of the high fountain' (*i.e.* of the fountain high in the hill), and those who had fairy mistresses frequently came in all draggled and wet from their nocturnal meetings. The Muses, 'sisters of the sacred well,' were *nine* in number, and in Highland lore there is common mention of the 'nine slim Fairy women' (*na naoi mnathan seanga sìth*). The expression has remained in what is evidently an old class of compositions, the Winter Evening Fireside Tales, but without explanation of its origin or meaning. The nympholepts were seized with frenzy on seeing any of the nymphs, and Cybele, 'the wandering mountain mother,' afflicted men with madness. Those over whom the Fairies got power became passionately fond of their fairy loves, to an extent which could be construed as nothing else than the madness of the nympholept. Their ardent attachment overpowered every natural and human affection. The 'roaming wandering elfin dame' (*na mnatha sìthe suibhlaichi seachranaich*), also mentioned in the same class of popular tales, put men under enchantments, and afflicted them with a wandering frenzy (*seacharan*), which allowed them no rest till they found the object of their bewitched search. The wandering of those 'lifted' by the Fairies (*aoi a thogail le sluagh*) was of a kindred character, the wandering of people under enchantments (*fo gheasaibh*). They knew not where they were going, nor felt how they were being conveyed.

The explanation, which derives the Fairies from the Lamiae, who took away young children and slew them, and from the Fauns, the gods of the woods, is hardly an explanation at all. The Lamiae were the common bugbear, and all bugbears worthy of the name take away children. That is the object for which they exist. The Fauns and Fairies have nothing in common, and supposing them to be identical the question of their origin is

still unsolved. The deduction of the elves from the *lares* and *larvae* is not more satisfactory. What they have in common, every other supernatural being has also.

A theory is to be met with in Gaelic books, that the Fairies were the Druids, driven into remote and lonely places on the introduction of Christianity, and stealing children to keep up their numbers. There is no evidence that the Druids continued their peculiar observances in retired places, after the breaking up of their system; that they kidnapped children, or that the fairy superstition resembles the Druidic system. Very likely the belief in Fairies was part of the Druid's teaching, and some points of it, as the days on which fairy dwellings are open, the charming of querns, etc., against the elves, by the *deiseal* turn, indicate a pagan or Druidic origin, but it is not likely that the latter peculiar observance came to be used as a charm against the Druids themselves.

There is much that is undoubtedly of ecclesiastical origin in the superstition. Friday was the day on which the 'little people' had most power of interference with men, and on which they were most given to entering houses. The bare mention of its name was sufficient to excite their wrath, the reason being that which has caused the day to be deemed unlucky throughout the rest of Christendom, that it was the day of the Crucifixion. Children were considered less liable after baptism to being taken away by Fairies, and the name of the deity was powerful to put an end to fairy work, and disenchant fairy food. In the Highlands of Scotland there has existed a belief in other supernatural beings, besides the Fairies, such as *gruagachs*, *glastigs*, water-horses, etc., the origin of which cannot be traced to any doctrine (or perversion of doctrine) of the Christian religion, and which was but nurtured by the Church during the long period of the Middle Ages, when the principal weapons of the churchman were holy water and charms, and his principal duties the exorcising of devils, the counteracting of witches, and the laying of ghosts. The origin of these beliefs must be looked for in the pagan creeds, which Christianity displaced. It is known that the heathen deities, which the Christian religion degraded from their high position as objects of worship, were not utterly eradicated. In early times ecclesiastics reduced them to the rank of devils and made them subordinates of Satan. It is, therefore, within the bounds of possibility that the Fairies are the deities of an effete religion. Heathen gods are, however, gloomy, and do not

become more amiable, when seen in the light of a purer faith. The feelings with which the Fairies were regarded, and their character and actions, do not warrant the supposition that they were ever objects of religious reverence. They had too little malignity ascribed to them, and were regarded too much with contempt and too little with fear. There is besides no resemblance, on which any weight can be laid, between the superstition and what classic or Celtic writers have told us was the old heathen Celtic faith.

But suppose all this to be granted, that the Fairies existed as part of the Druidic teaching (which very likely they did), and that traces of them are to be found in the mythologies of Greece and Rome, the question still remains, what is the origin or meaning of the Fairy Creed? Resemblances, real or imaginary, can be laid hold of to support any theory with which we are in love, and a creed, which has been so wide-spread and tenacious of life, must present many features which can be so construed. The tribes, whose inheritance it has been, have undergone the greatest changes in their social circumstances and modes of life; they have migrated, conquered and been conquered; they have been taught a higher faith, and science has opened her stores to them, yet the Fairies sadly deprived it is true of their original vitality, and serving no higher purpose than ornaments of poetry, still survive, and bearing traces of the ages have found a permanent place in the world's literature. Their character has been altered, and the teaching of which they are the embodiment has been lost sight of, but their features though disfigured can be still recognised.

The supposition, that the Fairies were originally an alien race, presents many points to be urged in its favour. The main characteristics of the superstition,—the elves being counterparts of the human race and their fondness for alliances with mankind, the dwellings assigned to them, their dogs and cattle, love of music and dancing, borrowing and lending of meal and other articles, stealing of handmills, etc.—may be said to point, as clearly as the traces of a remote age can do, to a rude tribe of savages, living in proximity to a superior race. While the making of trash their food, attributing to their women an imperforate nostril or other defect unnatural to humanity, representing them as thievish, and attacking the weakest of the race, women in childbed and their babes, and as being driven away by the smell of burning leather or a drop of urine, are the natural offspring of

that ridicule, which we may suppose the stronger race endeavoured to cast upon a feeble and despised enemy.

The most curious point in the superstition is, that iron was all powerful against the Fairies, and that the fairy arrow and spade were of stone. In all popular tales to be met with in the Highlands, iron bears a different relation to the Fairies from what it does to any other supernatural being. Against ghost, or water-horse, or bugbear of that kind, an edged weapon was a defence, as it might be against a mortal enemy, but only against the Fairies was iron, or still better steel (*cruaidh*) in any shape or form, a specific guard. A bunch of keys, or a rusty nail, was as effective as the most lethal weapon. It is no matter of surprise, that a sword, or dirk, or knife, should have miraculous powers ascribed to it. It is a valuable possession, a trusty friend in danger and in the presence of an enemy, and the wonder would be, if popular imagination had not invested the 'touch of cold steel' with supernatural powers. In the form of arms and offensive weapons, steel was used by the Highlander in encounters with unearthly enemies, but not in any other way, than as great personal strength or a good cudgel were available. Against the *Shi* people alone, iron and steel as such, whether manufactured into weapons of offence or not, were a defence; and the belief is one so remarkable that it forces us into some such explanation as this,—it was the distinguishing difference in prehistoric times between the tribes, inheriting the creed, and the stone savages, who were the first Fairies. It is not a sufficient explanation, that when iron was rare and valuable, miraculous powers were ascribed to it. Of that belief another Highland superstition is a memory. No one who hid iron, especially the ploughshare, during his life, and died without telling his secret, could rest in his grave (a belief afterwards transferred to the secreting of other metals that became more precious). If the efficacy of iron against the Fairies had no other origin, the metal would be equally efficacious against water-horses, water-bulls, brownies, ghosts, and all that sort. Except as arms it was not so.

It is now considered a well ascertained fact in science, that the Celts were preceded in Europe by a race unacquainted with iron, and using bone, flint, and stone weapons or implements. Traces of this race are found over the greater part of Europe in caves, drift, and mounds, from which it is inferred to have been similar to the races now found in the regions of the extreme north, Finns, Lapps and Esquimaux, in dwellings, habits, arts, and social

condition. It is at the same time so open to question, whether it was the same, or any of these races, that the learned have preferred to give it a name to itself. In the early times of these allophylians (as this race has been called), the rhinoceros, elephant, hyæna, tiger, and other animals long since extinct in these latitudes, were found in what are now the temperate regions of Europe. The Celts, forming the first wave of Aryan or Indo-European migration, either exterminated this race or drove it to its present inhospitable abodes, and they may in part have absorbed it. The water-bull and other mystic animals of Celtic superstition may be but indistinct memories, preserved through this alliance, of the animal forms of the remoter period.

It is not necessary to suppose that intermarriage prevailed to any great extent; and it is not likely, that in these savage times, the proud nomade Celt would tolerate, within his hunting or pasture grounds, an alien race, requiring extent of ground for its support as much as himself. It is seldom that a conquered race is totally exterminated, and the few remaining in remote retirements are likely enough to form at times alliances with the superior race. This is only conjecture, but it explains the part of the superstition which relates to the *Cannan shi* or fairy lore, and the disfavour with which alliances with the *Shi* race were looked upon. It also explains why dogs bark at, and give chase to, the Fairies, and the Fairies run away. Dogs, as 'it is their nature to,' bark at strangers and people of uncouth appearance to the present day, and the allophylian, knowing the risk he ran when he approached an enemy's abode, fled in terror when he found himself discovered. His hiding himself readily gave rise to stories of his disappearance in the earth.

At the dawn of history the tribes of Europe occupied much the same places they now do, and the position of the Arctic tribes, on the extreme outskirts of the continent, argue them to be the oldest of the present possessors of the soil of Europe. Only hard necessity and the pressure of more powerful tribes could have sent them to the dreary and forbidding Arctic regions. The Celts, by all accounts, were a formidable and warlike horde, armed, as their language denotes, from the earliest times with sword and shield. It has not been settled among antiquarians whence Europe derived its knowledge of the smelting and working of iron, and historically it is considered highly probable that the Celts were acquainted with this branch of metallurgy before they came into contact with Rome. An invaded race, destitute of those weapons that would enable it

to make a successful resistance, must be driven to remote fastnesses, and naturally seeks by treachery to make up for the want of strength. Hence the noiseless approach, and the fairy arrow launched from an unseen hand.

There is evidence that the climate of Europe was much more rigorous in primeval days than it is now, and the aboriginal inhabitants, ignorant of iron, must have lived in much the same way as those now live who reside near to, and within, the Arctic Circle. On the supposition that the Fairies were these aborigines, an easy explanation of a great part of the superstition is furnished. In addition to the resemblances already pointed out, it is noticeable that the Fairies dwelling together and shifting their quarters in companies and societies, the 'wandering, roaming' fairy women, the 'little men,' the underground dwellings, the association with deer (*which were the fairy cattle*), the dogs, the magic knowledge, and the enchanting glitter of fairy dwellings, all find their counterpart in the migratory habits of the diminutive Lapp, his round hat, his reindeer and dogs, his practice of witchcraft and divination, and the glitter of ice. The fairy brugh was a round hillock or mound; the gammie of the shore Laplander is generally of a circular form, 'having the appearance of a large, rounded hillock.' The reindeer is everything to the Lapp, cow, horse, food, and clothing, and it was the shape of deer the fairy women assumed on every occasion on which they changed shape. They were often surprised in that form by the hunter, and his seeing them milking the hinds was followed by his being unsuccessful in the chase that day. The 'pretty striped yearling calf' (*gamhnain bòidheach breac*), promised by the fairy lover to his mistress, and the 'hornless dun cows' (*bo adhaol odhar*), which the changeling said he had so often seen milked 'in yonder dun glen,' are more likely the dappled fawn and the hind of the red deer than the polled or speckled dairy stock of modern days. The fairy cat finds its prototype in the cave tiger, or some such feline animal of prehistoric times.

It can hardly be a meaningless tradition that the first handmill was got from the Fairies. The stone quern is one of the most common objects in the cyclopean underground dwellings of the savages of the stone period.

A further confirmation of this allophylian theory is to be found in the existence of a belief to the same effect among the Celts themselves. Waldron, in his *Description of the Isle of Man*, 1731, says, 'They (the Manx people) confidently assert, the first

inhabitants of their island were Fairies.' In the Isle of Skye there is a tradition that the first inhabitants were a very, very small race, who formed their houses of branches placed leaning against each other, and who disappeared when the Norsemen came.¹ This dwarfish race is not, however, said to be the Fairies.

Many parts of the creed are at variance with this view of its origin, and so far as the historical meaning of the superstition is concerned, the figure of the allophylian becomes again indistinct. The eye is strained to pierce the darkness that has settled on these remote ages, and turns with eagerness to whatever promises to throw the slightest light on the obscurity. Like one who sees figures on a distant horizon in an imperfect light, and is doubtful whether they are men, or trees, or stones, the archæologist may be sometimes in doubt whether the figures which he sees are an allophylian race, or shadows thrown by succeeding ages. There are, as we see, many features of the Fairy Creed to create a probability that the original Fairies were such a race. There are, however, other points that forbid it. The supposition does not explain the anomalies of fairy lore. The elves had great skill in handicraft of all kinds, and taught their favourites to perform all kinds of tradesmen's work, weaving, dyeing, and especially smith work, in a wonderfully short time and in a skilful manner. It is anomalous that they should have this wonderful knowledge, and have smithies in their brughs, while at the same time they had the simplicity of Arcadians and were kept away by iron. Of the same class were the anomalies, that the *Shi* people were as large as mortals, yet of pigmy stature; a puny race, yet able to lift men with them through the air; that they had great knowledge of the healing art, yet were laid up with disease; could be killed, and yet were invisible at will; had handmills of their own, and yet stole those of mortals. Neither does it satisfactorily explain how the elves are associated with curious natural appearances and aerial phenomena, or their music is enchanting.

Another explanation suggests itself. The Fairy Creed teaches the difference between semblance and reality in the occupations

¹ Every inquiry in the writer's power was made into this curious tradition, and the same account was heard from several people. The little people were called *Drunaich* or *Druinnich*, and were red-haired (*ruadh*). They never came near other houses, and their own were round bothies, formed of young trees and boughs placed leaning against each other, Skye being at the time covered with wood. They disappeared when the *Lochlinnich* came, and no one knows what became of them.

and enjoyments of men, and is of ethical, rather than ethnical origin. It is moral and instructive, and not historical or mythological. The elves are the representation of appearance and show, as distinguished from substance and reality in the affairs of men. Their doings are thus identical with what is now called illusion of the senses, and they are connected with natural appearances, that bear a resemblance to the work and possessions of men. Thus, fairy hillocks are houses in appearance, but are useless for any of the purposes for which houses are erected ; they give no shelter, nor even allow admission ; they look as if they were houses, but they are not such in reality. People who were elf-smitten, or taken away by the Fairies or struck by the fairy arrow, remained in appearance as before, but the essence, the most valuable attribute of their humanity, was taken away. Their health was suddenly and unaccountably gone, their reason was clouded, and in many cases their existence as human beings terminated in sudden death.

The changeling had none of the fresh life and little winning ways that of themselves more than repay the parents' care and trouble in the rearing of children. Its appetite was inordinate, and its fretful peevish temper allowed no rest night or day. It gave all possible trouble, but no pleasure ; it occupied the place and had the semblance but none of the reality of childhood, nor those attributes that make children dear to men. Women in childbed are liable to diseases that cause sudden death or affect their reason and urge them to wander. By either calamity, they are no longer what they were, and as wives and mothers cease to exist among mankind. Elf-smitten cattle retain the appearance of cattle, but none of their uses, they yield no milk, and their flesh is unfit for food. Cows are not kept to eat provender and be attended to, but for the supply of milk and beef. The elf-smitten cow is, therefore, only a cow in appearance, its value and reality as a cow are gone. So goods taken by the Fairies remain ostensibly in their owner's possession, but he derives no benefit from them. The farmer, for instance, has a plentiful harvest, but if he be of a discontented and mean spirit, decrying and concealing his good fortune, his little mind makes him blind to his prosperity, and he sees himself poor in the midst of plenty ; or else after spending labour on his land, the crop, through what is now deemed want of skill or defect of the ground, proves a failure and useless for man or beast. The Fairies have taken away the goods, the trouble and expense have remained, but the

advantages have mysteriously disappeared. It is not, however, a plentiful increase of the world's goods nor want of skill that is condemned in the Fairy Creed, but churlishness, discontentment, meanness, and niggardly concealment of prosperity.

The same distinction between appearance and reality holds good with regard to fairy work. There is semblance, glitter and outward show, but nothing substantial and genuine. A plain cup, *e.g.* is as good to quench thirst from as one loaded with ornaments. The benefit of design is to hold drink and appease thirst; elegance and beauty of shape may be desirable; but mere ornament is superfluous, of no use, existing only for the sake of appearance. Hence a highly ornamented cup or other article is of the character of fairy work; the ornament contributes nothing towards the practical use, for which the article is intended. Again, many articles of workmanship are quickly made, to ordinary eyes showy, and as good as other work of the same kind on which time and labour have been spent, but they do not stand the test of use; they prove counterfeit; the senses have been illuded by mere appearance; the work is only fairy work. This same doctrine has been revived in a different form in the present day by Carlyle in his denunciation of shams. Counterfeit work and articles that are not genuine, however gaudy to the sight, ought not to be considered the productions of true man at all; they are but the work of his shadowy counterparts, of beings who ought to be invisible; they are in short only elfin work, having appearance but no reality.

The Fairy Creed is a polished and amusing satire on the vanity of human pleasures and the emptiness of what is commonly called 'life.' Young men, who entered fairy dwellings, without taking precautions how to get out again, joined the fairy festivities, became unmindful of the passage of time, and lost all desire ever to return to the haunts of men. When brought to the open air, and on becoming conscious of the lapse of time, they crumbled into dust. In the same way many enter on a round of festivities, and forgetting alike their sorrows and their duties, and unobservant of the passage of time, waste their days in frivolity and folly and giddiness. Sometimes they are disenchanted when too late; and have barely realised the misuse made of their means, health, and days, when the end of their life comes upon them. The fairy castle, which they in their inconsideration supposed to be the abode of pleasure and happiness, closes against them; their life is wasted, and they crumble into

dust. The true enjoyments of man do not lie in a round of festivities, in exquisite music, grandeur of dwellings or apparel, dancing and outward show ; these are merely specious, and better is he who is contented with the ordinary lot of man, a lot in which there are anxieties and labour.

So also, true travelling does not consist in being whirled from one place to another, heedless of everything but going over the ground. That is merely 'being lifted by the people' ; it is travelling in appearance but not in reality, travelling in the company of the Fairies, and not as true men travel.

It also explains why *green* was the Fairy dress. Green is 'smiling nature's universal robe' (as the poet calls it), and the elves, being the appearance of mankind but in reality illusions of the senses, and interpretations of natural phenomena, were clothed in the same colour. So also, their association with natural appearances led to physical objects, such as reddish coloured stones, fairy butter, etc., and curious phenomena resembling the works of men, being referred to them.

It does not, however, explain why iron was a defence against the elves. Iron is the most easily oxidised of the metals, and there is nothing in its nature to account for its being a better security against powers that take away the substance while they leave the appearance, than gold or silver. Perhaps when the creed first arose, and the Fairies were made a race dwelling by themselves, the traditions of the stone savages still remained. The whole of the rest of the creed is explained by the elves being appearance and nothing else, the semblance of mankind without the reality. Seeming work is quickly done, the most miserable noise becomes the finest music when listened to by an excited and fond imagination ; the faint and weary hunter sees human forms where there are none, in everything fairy there is appearance, semblance, outward form, such as are found among men, but there is nothing solid and true. In giving form and expression to this truth or teaching, the traditions and existence of an alien race may have been taken advantage of, and the ethical explanation of the superstition may include the ethnical.

The cause of fairy aversion to ordure is, that it is matter out of which the substance has been already taken. Hence also their objection to dirt of every kind, and the reward given by them, according to the Teutonic creed, to tidy servants. That the original meaning of the creed was not entirely lost sight of, when

it degenerated into a superstition, may be inferred from faintness being ascribed to the elves ; from oatmeal being a protection against them ; from their stealing the substance of men's goods ; or their being associated with whatever is mere empty unprofitable show. It is unobserved by themselves too often, that men lose the benefit of their labours and increase ; and it is an amusing and instructive allegory, which has ascribed their loss to the shadowy elfin race. When the moral teaching became a superstition, it accumulated to itself many things not to be explained by the original creed, such as shedding the blood of the elfin lover, or the detailed accounts of the hunter's adventures with fairy women, etc. But these are only the natural offspring of the unfettered imagination at work upon such a subject. The fate of those who married fairy wives finds ample illustration in the issue of alliances for the sake of wealth and mere show. The veracity of the elfin wife is fully matched by the extravagance of the showy wife.

J. GREGORSON CAMPBELL.

Chronicle of Lanercost¹

KING EDWARD was warned by these and other events that he was threatened with war in front and rear; and when both the parliament of the nobles of Scotland and the council of prelates were to assemble in Edinburgh, he, endeavouring to win the goodwill of these ingrates, demanded through an emissary that they would hand over to him shortly four of their castles overlooking the frontier of the realm, to wit, Berwick, Roxburgh, Jedworth and Edinburgh, for the protection of the natives against invasion by foreigners. This they refused unanimously and obstinately, just as they had refused all previous demands, declaring that they were in no need of any aid. A.D. 1295.

The Cardinals also, who had spent all their means in their long journey requested of the clergy of Scotland through emissaries a moderate grant of money, which should hardly exceed one farthing² from each of the churches to be taxed. But in refusing the assistance demanded, they [the Scots clergy] made this reply, that these Pillars of the Church had not crossed land and sea in the service of the Church, but in that of King Edward's realm. And whereas we know that it is written that wickedness proceedeth from the wicked, they did all these things in order to achieve their hateful design by tokens, since they could not do so by arms, imagining that the dominion of King Edward could be extinguished by them. To whom applies that saying of S. Gregory—While they loosed the shoe-string they tied a knot. Indeed it turned out for them as it did for Zedekiah, according to Ezekiel, who saith—‘But he rebelled against him in sending his ambassadors into Egypt that he might give him horses and much people. Shall he prosper? Shall he escape that doeth such things? Or shall he break the covenant and be delivered?’

¹ See *Scottish Historical Review* : vi. 13, 174, 281, 383 ; vii. 56, 160, 271.

² *Assem unam*.

Gilbert, the great Earl of Gloucester, died after the festival of S. Lucia,¹ a man prudent in council, puissant in arms and most spirited in defence of his rights. For when the aforesaid King required of [him] and all his tenants to show by what warrant each one held possession, Gloucester, drawing his sword in presence of the King and nobles in London, delivered this reply :—‘Behold my warrant ! by which right thou, oh King, holdest from conquest by thine ancestors two feet of English soil ; and I possess the third foot from my forefathers.’ Thus the curiosity of the inquirer was repelled.²

Now, in order to take up the thread of the narrative I have begun, the knights and esquires who had been associated with the bishops with the above-mentioned mission to France, returned on the festival of S.S. Vincentius and Anastatius³ disappointed and with nothing to report ; while those horned ones remained behind,⁴ after the fashion of many modern dignitaries, who, either out of craven fear for their own skins or sensual indulgence of their own bellies become, not feeders *of* the flock but feeders *on* them.

Indeed there was pressing need for these Scots to return home, seeing that they found victuals to be very dear in France and were sensible of shortage of cash in their own purses ; nor could they after their arrival [in France] find any creditor from whom they could borrow, nor was there given them even one ship wherein they could make the return voyage. When therefore these needy persons met with certain easterling mariners⁵ preparing to sail for Scotland and found that the agent of some Edinburgh burgess was about to consign his merchandise to the said skippers, they obtained by favour (seeing that they had not the money) a passage for themselves and their people, promising to pay the fares so soon as they should be landed in Scotland. Thus did the Lord confound those who fled to the Chaldeans (that is to the ferocious people, whence the Franks obtained their name)⁶ who boasted about their ships, so that those who purposed

¹ 13th December.

² This writ of *Quo warranto* was issued in October, 1274, and caused much discontent by its inquisitorial character. The story attributed to Gloucester in the text is told elsewhere of the Earl of Warenne.

³ 22nd January.

⁴ *Cornutis illis retro residentibus*, a contemptuous allusion to the mitred bishops.

⁵ *Marinariis de orientali patria*, i.e. from the Baltic.

⁶ The etymology of ‘Frank’ is suggested as = *ferox*.

to invade the coast of England with an innumerable fleet might count themselves lucky in obtaining a single pinnacle of their own. Moreover, when they landed at Berwick, they showed this favour to their fellow-countryman, whose merchant-factor they had in their company, that all his merchandise was seized, to the value of nine score of marks or more. But they brought this news from France, that the King of Norway had been dead for some time, leaving no heir of his body, and that his brother, who had been Count before that, had taken the daughter of the Count of Clermont as wife and consort at the instance of the nobles.¹

Deluded by these follies, they sought still other safety in falsehood. For, according to theological testimony,² 'vain hope is the snare of the foolish man and ignorant fellows rely on dreams;' although these men heard that the Pope was mediating for peace between the French and English, they pretended and even announced in their own country that the King of France had declared that he would not agree to peace unless under a treaty embracing the Scots as well as his own people: whereas in truth, when the peers were assembled at Cambronne on Quadregesima Sunday,³ there was nobody present who put in a single word for them [the Scots], according to what was told me with his own lips by a certain noble, who attended there daily on behalf of the King of England; nay, he heard many persons execrating that very nation as deceitful and ungrateful for the benefits they had received from King Edward.⁴

In consequence of dreams of this nature, all bailiffs received orders at the beginning of Lent⁵ that they should seize for the use of the King of Scotland all goods belonging to the English throughout the realm wheresoever they might be found, and that they should store them in the castles and other safe places; also

¹ Eric II. (father of the Maid of Norway, who succeeded Alexander III. as Queen of Scots) did not die till 1299, when he was succeeded by his brother Haco V.

² *Teste theodecto*, a hybrid word for which I know of no authority.

³ 20th February.

⁴ All this is purely partisan fiction. On 23rd October 1295 the Scottish plenipotentiaries concluded a treaty of offensive and defensive alliance with the King of France, each country binding itself not to make peace with England unless the other were included (*Fœdera*). When truce between England and France was struck in October 1297, Scotland was not included.

⁵ 16th February.



that all these men¹ were to be bound by a fresh oath to hold fast and stand firm with the people of the country in every emergency. They considered that such an oath would be binding; declaring, on the other hand, most preposterously that their own oath to King Edward had been made under compulsion, and therefore might be broken under compulsion.

Accordingly a wapinschaw was held and account being made of those who were capable of military service, all who had power, wealth, arms and strength were warned to be ready to assemble at Caldenley² on the Sunday in Passion Week.³

Herein thou mayest clearly perceive that what the sage wrote was exactly fulfilled—‘The universe will fight for him against the madmen.’ For, as if the elements were taking vengeance upon the enemies of the truth, there is no doubt that, from that time forth, snow, rain and easterly winds from the district where their army [was] began to prevail to such a degree that others dwelling in the towns and in timbered houses⁴ were smitten with alarm, so that half-naked men could only avoid the severity of the cold under rocks and cliffs, thickets and trees. And like as they had broken their plighted faith, so in turn they carried sword and fire into the English borders in Passion Week,⁵ whereby the others [the English] in retaliation attacked Lothian by sea on the vigil of Palm Sunday,⁶ burnt the seaside towns and inflicted great damage upon them. Thou mightest see on the holy day of Good Friday and the vigil of Easter the presage of that double carnage which took place twice afterwards on a Friday; for a cloud, undoubtedly of wrath, overshadowed Lothian, so thick, so wet and so evil-smelling that it concealed everything at a distance of ten paces from the view of those passing through it. This having changed in the evening to a tearing wind and drenching rain throughout the night and the following day, made the roads so bad for travellers as to weary people looking out o’ window.

It was reported at this time that John, Archbishop of York, had died in distant parts, in whose place Henry of Newark, dean of that church, was elected.

¹ *I.e.* Englishmen.

² ? Caddonford on the Tweed.

³ 27th March.

⁴ *Domibus laqueatis.*

⁵ 27th March—2nd April.

⁶ 26th March. According to these dates, the English seem to have been the aggressors.

At the same time we received news that in Easter week¹ there had been a most terrible conflict in Gascony. For the French from one side and the citizens of Bordeaux from the other attacked the English, and while many were slain, and many were wounded, our people kept the upper hand so well that the enemy turned tail, and, besides those taken prisoners, thirty principal nobles² were done to death and interred in the place of the Friars Minor. Moreover the fleet of the Cinque Ports which had been sent out there, returned home in its full number and with all well. Part of the said city [Bordeaux] was taken by our people on that occasion, to wit, the outer wall, the army being commanded by my lord Edmund, brother of King Edward, with the Earl of Lincoln and others, who, it is said, would have finished the business then and there, had not arrears of pay forced them to disband the army. When King Edward, who was then at Stirling, was informed of these things, he directed that plenty of both corn and money should be sent to them. In consequence we beheld on the festival of the Nativity of S. John³ envoys coming from Gascony, both clerics and very many secular knights, to announce that the English had occupied the whole country and were all safe and sound.

Here endeth the eighth book and the ninth beginneth.

Applying now our mind as well as our pen to the ninth division of this work, which, both in order to avoid being tedious and because of the beginning of a new period, requires ^{A.D. 1296.} a new book to be begun, we bear in mind first and foremost this most wise precept of the most holy Gregory, who saith—‘The power of the wicked is as the flower of the grass, because their carnal glory fadeth while yet it flourisheth, and while they boast of it among themselves suddenly it is brought to an utter end.’ That this befel the Scots⁴ in the year of our Lord MCCXCVJ (which, by the way, was leap year) is shown by their manifest arrogance. Notwithstanding that in past ages they have always been subject to the English sceptre (although they often rebelled and spurned the prince assigned to them, and also many times did not only

¹ 3rd—9th April.

² *Nobiles signiferi*: literally ‘standard bearers,’ but here probably the allusion is to their pennons or banners.

³ 24th June.

⁴ *Albanactis*, latinised form of the Gaelic *Albannach*.

exclude Saxons from the King's Council and service but also expelled them from the land, as the above quoted chronicles testify), they now relapsed into callous hatred, and, after the expulsion of all the courtiers whom my lord John, their King, had brought with him, they committed a fresh crime by preventing him, who was the head of the people, from performing any act of state or from going wherever he wished, confining him like a fugitive under guard night and day, so that he was not allowed to attend a conference¹ to which he was summoned by King Edward, nor could he make known to him [Edward] his good will. Moreover, trusting vainly, as aforesaid, to allies and arms, they constrained the King and his children to stay at home and to take the field for war; and for this reason, seizing corn and cattle and other provender in all quarters, they repaired their castles, fortified Berwick, the principal seaport and town of the kingdom, and brought foreign auxiliaries thither, paying no heed to the divine wrath which was impending over them, whereby they were collected as sheep for the slaughter and were consecrated at Easter for the day of massacre.

At last, when they ought to have learnt to fear God through the disaster of their prince² so lately deceased, whom God smote dreadfully for all their sakes, and afterwards gave the nation itself ten years for repentance, which they misused in their pride, adding daily worse and worse transgression, no remedy remained but that declared by the wise man—'destruction must needs overtake those who practise tyranny.' Whereof I, a sinner, who write these facts, received by the Lord's revelation the following token.

Now shortly before the impending misfortune, after mass on the Lord's day, as I was composing my limbs to rest and courting sleep with closed eyelids, I beheld a winged man [clothed] all in white whom I recognised at once as an angel, holding a drawn sword in his right hand, proceeding from one end of the house to the other, and brandishing the sword in a menacing manner against the book-cases of the library, where the books of the friars were stored, indicating by this gesture that which afterwards I saw with my eyes, [namely,] the nefarious pillaging, incredibly swift, of the books, vestments and materials of the friars. Thus the life of just men often suffers injury for the

¹ King John attended King Edward's Parliament in May, 1294, but refused a summons to attend Edward in his expedition to Gascony (29th June).

² Alexander III.

punishment of transgressors, and by the affliction of the former the latter are purified.

But before we investigate the course of history whereon we have embarked, in the same leap year,¹ on the festival of S. Matthew the Apostle,² the Apostolic and just man Pope Boniface, being in the second year of his pontificate, issued the letter decretal—*Ad perpetuam rei memoriam*, etc.—reproving the insatiable and rapacious cupidity of princes ever intent upon extorting property from the Church, and threatening laymen who should transgress with severe excommunication and interdict. He subjected all ecclesiastics impartially to deposition and deprivation who should dare to bestow upon princes any gift, subsidy, loan or tax upon the revenues of the church without the consent of the apostolic see. Also on the fourth of the kalends of April³ in the same year he issued another edict—*Ad perpetuam rei memoriam*—most salutary for souls, directing generally and without distinction that all ecclesiastics whatsoever, charged with the cure of souls, should reside regularly as pastors in their [respective] offices and localities; adding this punishment for delinquents, that whosoever was found to absent himself for a whole month from the church assigned to him, should be deprived of his benefice.

Just as the Scripture uttered by God declareth that ‘upon the evildoer shall fall his own device, nor shall he know whence it cometh upon him,’ so that illustrious man Robert de Ros, the owner of much land, thinking to secure prosperity, broke faith and joined the King of England’s enemies, betraying his secrets to them and promising them support. When this was found out, the King solemnly observed the thanksgiving services on Easter day⁴ at his castle of Wark, and tried to persuade the head men of Berwick to surrender, promising them safety in their persons, security for their possessions, reform of their laws and liberties, pardon for their offences, so that, had they considered their own safety, they would not have slighted the proffered grace. But they, on the contrary, being blinded by their sins, became more scornful, and, while he waited for three days, they gave no reply to so liberal an offer; so that when he came to them on the fourth day, addressing them personally in a friendly manner, they redoubled their insults.

¹ *In eodem die bisextili*, probably a slip for *anno*.

² 21st September.

³ 29th March.

⁴ 25th March, 1297.

For some of them, setting themselves on the heights, bared their breeches and reviled the king and his people; others fiercely attacked the fleet which lay in the harbour awaiting the king's orders and slew some of the sailors. Their women folk, also, bringing fire and straw, endeavoured to burn the ships. The stubbornness of these misguided people being thus manifest, the troops were brought into action, the pride of these traitors was humbled almost without the use of force and the city was occupied by the enemy. Much booty was seized, and no fewer than fifteen thousand of both sexes perished, some by the sword, others by fire, in the space of a day and a half, and the survivors, including even little children, were sent into perpetual exile. Nevertheless this most clement prince exhibited towards the dead that mercy which he had proffered to the living; for I myself beheld an immense number of men told off to bury the bodies of the fallen, all of whom, even those who began to work at the eleventh hour, were to receive as wages a penny a piece at the King's expense.

These events took place on the third of the kalends of April,¹ being the Friday in Easter holy week, a penalty exacted by God corresponding to the crime. For it was on the Friday in Passion week that a detachment of the Scottish army made their first incursion into England, devastating with slaughter and fire some country villages and the monastery of Carham; yet these very citizens, perjured and hardened in evil-doing, feared not to receive at Easter the communion of perfect love in fraternal hatred to their own perdition. Whence it may be assumed as proved that 'day unto day uttereth speech'—that is, punishment, and 'night unto night'—that is, the penal scourge upon wickedness, indicates knowledge of sin. Besides, as Chrysostom bears witness [although] wickedness is sometimes overcome by reason, it is never so checked in those who sin by deliberate intent and not through ignorance. Thus these madmen added fresh insolence to their folly, and on the sixth of the Ides of April² invaded the bounds of England in two columns, and ravaged different districts thereof; the men of Galloway, led by the Earl of Buchan [went] through Cumberland, the whole band of young knights and fighting men³ forcing their way through Redesdale. In this raid they surpassed in cruelty all the fury of the heathen; when they could not catch the strong and young people who took flight, they imbrued their arms, hitherto unfleshed, with the blood of

¹ 30th March.² 8th April.³ *Tota virtus tyronum et juvenum.*

infirm people, old women, women in child-bed, and even children two or three years old, proving themselves apt scholars in atrocity, in so much so that they raised aloft little span-long children pierced on pikes, to expire thus and fly away to the heavens. They burnt consecrated churches; both in the sanctuary and elsewhere they violated women dedicated to God, as well as married women and girls, either murdering them or robbing them after gratifying their lust. Also they herded together a crowd of little scholars in the schools of Hexham, and, having blocked the doors, set fire to that pile [so] fair [in the sight] of God. Three monasteries of holy collegiates were destroyed by them—Lanercost, of the Canons Regular; and Hexham of the same order, and [that] of the nuns of Lambley¹; of all these the devastation can by no means be attributed to the valour of warriors, but to the dastardly conduct of thieves, who attacked a weaker community where they would not be likely to meet with any resistance.

Forasmuch as it is God alone who can bring the best out of the worst, I shall here relate two matters for the sake of edification, because perfidious persons desire under the cloak of Christianity, to be esteemed like righteous ones, not in reality, but in appearance. This may be easily proved about these [Scots]; for whereas they knew that they had acted most wickedly towards the aforesaid nuns, at the last they sought out a priest who should celebrate mass for them. He, induced, as I suppose, more by fear than any other motive, performed the sacred office as far as the Confectio, but when he was about to handle and consecrate the bread, suddenly it vanished. Wishing to conceal his shame, he took another host intending to consecrate it, but it disappeared between the fingers which held it. All those present, beholding the priest's temerity rebuked and understanding the vengeance of God, fled from the place conscious of their guilt.

Again, in the church of Hexham, which was built by that illustrious bishop of the Lord, S. Wilfrid, there were placed of old several shrines, enclosing relics of the holy fathers, whereof the holy Beda describes the merits and effects in *De Gestis Anglorum*. That very church, carved with Roman work, was dedicated by the ministry of S. Wilfrid² to the honour of S. Andrew, the meekest of the Apostles and the spiritual patron

¹ Lambley-upon-Tyne, a convent of Benedictine Nuns near Haltwhistle.

² Son of a Northumbrian thegn; Bishop of York, died A.D. 709. It was Wilfrid's successor, Bishop Acca, who according to Beda, collected the relics of the saints and their legends.

of the Scots. And although both the dignity of the saints and respect for the pious friars ought to have been a defence against the irreverent, yet these madmen aforesaid neither had any regard for these things nor felt any dread of all-seeing God, but with barbarous ferocity committed the consecrated buildings to the flames, plundering the church property stored therein, even violating the women in that very place and afterwards butchering them, sparing neither age, rank nor sex. At last they reached such a pitch of iniquity as to fling contemptuously into the flames the relics of the saints preserved in shrines, tearing off them the gold or silver plates and gems. Also, roaring with laughter, they cut the head off the image of S. Andrew, a conspicuous figure, declaring he must leave that place and return to his own soil to be trodden under foot.

About the same time a voice was heard in the high heavens by trustworthy ears, calling thrice for vengeance upon the unrighteous nation. How this reached the divine ears will be made clear by the misfortunes which were shortly to befall that people. For as these cowardly fellows were hastening home, impelled by divine vengeance they adopted a further counsel of foolishness, whereby in separate columns one part of their army occupied the narrow pass into Lothian, the other, the passes bordering on Teviotdale, so as to threaten the march of an English force should it attempt to pass beyond them, when they would attack it upon both flanks. In accordance with this plan, on the eleventh of the kalends of May¹ the Earl of Mar and others came before Dunbar with the chosen candidates for knight-hood, intending to have that fortress as a base. After they had plundered the neighbourhood and burnt the town, they laid siege to the castle. Now as there was no proper garrison in the place, the countess, with her slender household and the earl's brother, defended it for two days. But the enemy, pretending that the earl was a traitor through his having joined the cause of the King of England in order to keep faith, persuaded the lady to surrender honourably; and so, at dawn of the fourth day² they entered the castle,³ having as commander a man renowned in war and expert in arms, Sir Richard Siward. And when they had crowded in, like sheep into a pen, straightway they were beleaguered before evening by land and sea, as though God had assembled them as a sacrifice for their enemies. When it was known that they were besieged, summons was issued to all parts

¹ 21st April.² 25th April.³ *Municipium*.

of Scotland for an early muster to relieve the besieged and a day was fixed at the beginning of May for hostilities in the field. Nor was it only the secular arm [that was raised] but also the ecclesiastical arm drew a poisoned sword, ordering, under pain of suspension, that all in charge of parishes should on every Lord's day in the presence of the people fulminate solemn denunciation of the Prince of England and the Bishop of Durham, the clergy chanting *Deus laudem ne tã*. Thereafter many ordained priests are known to have taken part in the war, not only by exhortation, but also by wielding arms.

Howbeit, forasmuch as the truth ever remains invincible, although the uneasy conscience will always imagine dire events, when they perceived the flower of their youth and the main part of their army confined within the walls, they determined to put an end to the siege by a sudden assault and so to unite the relieved garrison with their own forces. Therefore on the fifth of the kalends of May,¹ at the ninth hour of Friday (which thus a second time proved unlucky for them) when the Earl of Warenne and barely a fifth part of the King's army were preparing to go to bed, they showed themselves boldly on the brow of a steep hill, provoking their enemy to combat. And although their columns were in close order and strong in numbers, before it was possible to come to close quarters [with them], they broke up and scattered more swiftly than smoke, the fiercest of them being first in flight. Yet their foot-soldiers would have stood firm had not the knights showed their heels so readily; and because victory consisteth not in the multitude of a host, but cometh from Heaven, thou mayest discern in that conflict what the Lord promised to his chosen people—'They come,' said He, 'against thee by one way, and they flee in ten ways.'

In this manner there were slain not less than ten thousand rebels, and several tonsured [priests] were found among the dead; yet upon the English side, not one man fell, except a single foolhardy knight. It is evident that the Supreme Truth, who said that He had come into the world to set a man against his own father, decided the issue of this combat, which was waged against the truth; for there you might see in the same people a son bearing arms against his father, and a brother putting his neighbour to the sword.

After this, justice was directed against the besieged. For they had lighted on the tower of the castle a signal beacon, informing

¹ 27th April.

the relieving force when they might surprise [the enemy] and at what moment they should deliver the assault. Therefore some [of the English] having been set to work with a will to dig mines, others to throw up earthworks from which they could forcibly breach the castle wall, the garrison fell into a panic, and straightway surrendered on the morrow to the royal will. There were captured there and sent into captivity in divers parts of England, among the nobility, four earls—Mar, Menteith, Atholl and Ross, besides six score and fourteen others, among whom there were several barons, twenty knights, and eighty esquires. Also, three hundred foot-soldiers were taken there whom the King had no wish to detain, but set them free after receiving their parole; also he granted them safe conduct to whatever place outside the neighbourhood of the camps they would go to, which greatly contributed to the credit of his clemency, even from the lips of his enemies.

At this agitating time the Lord Bishop of Durham caused to be seized all the lands which Sir John de Balliol held of the fee of S. Cuthbert; and upon these lands at Castle Barnard he caused a prisoner of the same John [aged] eighty-eight, to be brought out of filth, had him shaved, gave him a change of clothing and set him at liberty, besides restoring to him the lands of which he had been deprived. All these things go to prove the Christian mercy of the English, who despite the response of ill-disposed people, returned good for evil gratuitously.

In the same year Pope Boniface made a decree and caused it to be promulgated, that anniversary services¹ should be celebrated throughout the universal Church of Christ on the feast of every apostle and evangelist and also of the four doctors. Also he issued another decree against dogs returning to their vomit, that none of the Preaching or Minorite friars, nor of the Hermits of S. Augustine, nor yet of any of the Mendicant friars, should furnish any assistance to any election, postulation, provision, or call at his own instance in any contest for any promotion beyond the ministry of his own Order. And especially, if the Masters, Ministers or Priors of their General Orders or of their inferior prelates should proceed by license or assent without spiritual sanction of the Papal See, he [Pope Boniface] pronounceth such action to be null and void, whether [it be done] knowingly or ignorantly, no matter by whom it may have been accepted. On account of this, as I suppose, one of the clergy, humorous enough

¹ *Duplicia*.

but vastly indignant, composed the facetious verses inserted below, and privily affixed them to the door of his Holiness the Pope's chamber. And these are the verses :

Once known as Benedict, we Boniface invoke ;
Both names are seemly, may they be the cloak
Of thy good works in piety and blessing,
Rightly thy conduct in St. Peter's chair expressing.
But if with wrongs and curses thou afflict us,
We'll call thee Malefac and Maledictus !¹

¹ *Papa Bonifacius modo, sed quondam Benedictus,
Nomina bina bona, tibi sit decorus amictus.
Ex re nomen habe—benedic, benefac, benedictus;
Aut hæc perverte—maledic, malefac, maledictus.*

(To be continued.)

A Sermon on Witchcraft in 1697

THIS transcript is made from a contemporary Manuscript containing careful and full copies of the 'Informations,' and some other papers, regarding the trial of the Renfrewshire witches, whose burning in 1697 is one of the saddest episodes in the history of Paisley. Dr. Metcalfe in his *History of the County of Renfrew* has recently summarised the story, which has been prolific in a literature of its own.

The sermon, by Mr. Hutchison, then, I think, minister of Kilallan, occupies eight pages of the MS. It deserves attention not only as an exposition of the witchcraft doctrine of the period, and a demonstration of unshaken faith in it, but also as a rather fierce reflection of contemporary spirit in its painfully direct pressure on the judges to convict and sentence to death—for that is the English of the 'word' offered in the half-dozen closing paragraphs 'to the honourable Judges here appointed for cognoscing this affair.' The final observation, 'I go no further,' is assuredly open to the criticism that he went quite far enough, indeed much too far.

Some other opportunity may be taken for giving further particulars of the MS. and discussing its important bearing on certain printed texts of some of the papers. At present it may be enough to say that it was recently acquired in London by me on behalf of Mr. F. T. Barrett, City Librarian, Glasgow, for the Corporation's collection of West of Scotland manuscripts, gradually becoming an appreciable feature of the Mitchell Library. Internal evidence makes probable the inference that the MS., containing 33 leaves of foolscap, measuring 11 $\frac{3}{4}$ inches by 7 $\frac{3}{4}$ inches, and stitched in a sheepskin cover, belonged to John Shaw of Bargarran, father of Christine Shaw, famous doubly in a bad and good sense as (1) the 'bewitched' girl who was the cause of the burning of the seven unfortunates (four 'witches' and three 'warlocks') who perished, and as (2) the woman destined in later life to become a celebrity in the industrial annals of Scotland

through her starting Paisley's staple trade of thread-spinning. At anyrate an excerpt from a work on Meditation in an early 18th century hand bears the signature 'Jo. Shaw,' and a side docquet, of probably 19th century date, on the outside page shews that the MS. had once been the property of 'Mr. Glen late of Barron.' On the same page there is an 18th century account of moneys 'rec'd be Wm. Shaw.' That the book was originally the property of the Shaw family seems open to little doubt.

GEO. NEILSON.

Sermon

Preached by Mr James Hutchisone Before the Commissioners of Justiciary appointed for triall of several persons Suspected Guilty of Witchcraft: Att Pasley the 13 Aprill 1697.

Exodus 22 chapter 18 verse: Thou shalt no^t suffer a witch to Live.

WE have in this verse a precept of the Law of God In Reference to a certain sort of malefactors to be found within the visible Church, even amongst the Israelites. These malefactors are here called witches. The person to whom this direction & command is givine is not exprest or specified: But may be easily understood by the nature of the precept itself. It is a precept of the Judicial Law Givine to the Judges of the people of Israell that was a national church as having the power of the sword committed to them and it not being committed to others we need not insist upon this To whom It is directed.

Ye have in the words first a supposition that there are such malefactors or evil-doers within the visible church as witches. 2^{ly} a precept givine to those to whom the power of the sword is committed that they should not suffer them to Live or that they should not make them to Live. The words are very well translated for any thing we can discern from the original.

By a Witch is understood a person that hath Immediat converse with the devil, That one way or other is under a compact with him acted and influenced by him in reference to the producing such effects as cannot be produced by others without this compact. This in General for the Literal explaining of the words that they should not be suffered to Live is that they should be put to death as in the paralell scripture Levit. 20, 57. The word here is in the feminine gener a She-witch yet Levit. 20 27 the Spirit of God doth expressly mention either man or woman: The man or woman that hath a familiar spirit or a vizard, shall surely be put to death, they shall stone them with stones.

I will not insist any further upon the explication of the words, there are two doctrines that offer themselves to us from the words. One is That among the many sorts of malefactors and evil-doers within the visible church, this is one, that there are some whom the Spirit of God calleth

witches. A 2^d is That he to whom the powere of the sword doth belong, should not suffer such to Live they should put them to death. ffor the first of these and the second both they are proven by the 20 Levit. 27 As to the first doctrine that there are such malefactors as witches and that even in the visible church will appear from Deuteron. 18 10 & 11 v. where they get diverse names.

In handling of this doctrine I shall clear these heads. first what are the ordinary names that the Spirit of God gives to these malefactors 2^{ly} what doth formally constitute a witch or warlock that is a he-witch in our Scots language 3^{ly} what is the nature of the compact that is between Satan and witches 4^{ly} whence It is that any of the visible church are carried aside to this horrid crime & abomination 5^{ly} I shall come to some inferences from this doctrine.

ffor the first of these, The names and titles the Spirit of God gives them in Scripture We find that they are said to have a familiar spirit This in the hebrew Deut. 18, 11 Getts the name of Ob, translated by the Greek and Latine interpreters 'pythones' that have a spirit of Divination, and the reason is because they make use of an evil spirit in their actings, and have a secret and special converse with evil spirits Acts 16 and 16 One is mentioned there that had a spirit of Divination that brought her master great gain and it is the same that is rendered 'python' both in Greek and Latine 2^{ly} Sometime they are called vizards Leviticus 20 26 & 27 and this is of the same import with the former Because they reveal things secret or to come that by mens ordinary wit cannot be reacht. Sometimes again they are called witches as in this text and Deut. 18 10 The word in the hebrew signifies 'praestigiis uti' that is to make use of Jugling Because they Dull and Blunt the sight 4^{ly} they are denominat by 'Inchanters' Deut. 18 10 and the word in the hebrew comes from a word that signifies 'associare' Because Satans way is to Join things together and therefor the Dutch translators Translate it 'Joining' from Joining things together that such and such effects may be produced. Sometimes again they get the name of 'Necromancers' This is from their making use of the dead for their divinatione or their making use of Satan that represents dead persons to them which was the case of the witch at Endor that raisd up the Likeness of Samuel to Saul. These are the names that the scripture gives them we call witches.

ffor the 2^d thing proposed what constitutes one a Witch or Warlock first we would distinguish two or three things before we give a particular description of this And first we would distinguish between a witch, and a person that makes use of a witch in a strait or difficulty and thus we see Saul calld for one that had a familiar spirit that he might know what to do in his strait i Sam. 28 and yet we do not think that Saul was a warlock tho It was a great crime and such a crime that God himself does Levit 20 6 v. expressly threaten, that those that makes use of vizards, he will sett his face against them and cutt them off from among his people. Again we would distinguish between an act of Devilrie Ignorantly and surprizingly committed without any foregoing compact, and an act of Devilrie that proceeds from a compact with the Devil: It may be suppon'd for

clearing this That in a company of witches when a person falls among them accidentally and is surprizd and they say 'up and away' or 'mount & flee' and he sayes that too and he flies with the rest to this or that countrey and preys upon such a person or his goods and returns again, this person is not a witch, he speaks the word the rest speaks Inadvertently & is carried away with the rest, But it is another thing for, a person to be carried away differently upon Satans influence deliberately and knowingly. Again there are some sins so gross in their own nature that every single act of them deserves death by the Law of God such as incest, sodomy, Bestiality &c. A single act of these is so gross that it deserves death by this Law, And so I take an act of Witchcraft formally so called to be such a gross sin that every single act y^rof deserves death by the Law of God.

Now in the nixt place to come to the Question proposed what constitutes formally a person to be a witch? I speak now either of man or woman It being Relative to both. I have not had any help in this matter. I give yow my thoughts what I find may be said of it from the Scripture and it is this that in the constituting of persons formally a witch, It requires that there be a reall compact between Satan & that person either personally drawn up & made, or Mediatly by parents immediat or mediat having power of the person; adding y^runto his mark. The Ground of my assertion is this, there is no Less requisite to the constituting a person a visible professor of christ, then a personal compact and the external signe of Baptism super-added, or a reall compact made mediatly by mens intervention giving them to god having his seall added whereby they are to be accompted visible professors of Christ. No Less doth Satan require of them that will follow in his way then either personal covenanting with him, and receiving his mark upon y^r flesh, or that the parent give their children to him and they receive his mark, and where this is, I doubt not such a person is really a witch or warlock, and even suppose it be a child it will be found afterwards (if the Lords powerfully converting of the soul to himself prevent it not) That such persons will be as really in covenant with Satan, as the children of professing parents receiving baptism will be found to be in covenant with god. We cannot get this deny'd that childeren that have not given themselves personally over to Jesus christ yet being traird up in the church & waiting upon the ordinances & baptized they are acknowledged visible professors of the true God. So I say where parents mediat or Immediat father or Grandfather gives their childeren to Satan & trains them up in the art of Witchcraft & useing y^r meetings Such are to be Look'd upon as really in compact with Satan as the childeren of professing parents are said to be in covenant with God tho they themselves have not givine themselves expressly over to god or Christ.

In the nixt place as to the nature of the compact that is between Satan & those that follow him, It most be no Less then this that they shall worship him as their God, that they shall follow him as their guide, that they shall be acted and influenced by him in his sinfull ways & actings & even in such wherein they could not produce any effect if Satan did not concurr with them. The ground of this assertion I take to be

this We find in scripture that there are many persons by nature that are Gross sinners, yet not formally witches, concerning them the spirit of God sayes that Satan is their God, that the God of this world hath blinded their minds; This sayes that even they that are not witches, by nature, Satan is y^r prince, the scripture saith they follow the prince of the power of the air this is said of ordinary common natural folks & much more of Gross transgressors that are not witches. Now this that makes the difference between these that are in nature, & these that are witches is this what the scripture sayes of the one Interpretatively or by construction that they do such things Ignorantly and yet really and practically. These that are witches do them not only by interpretation but formally directly and upon knowledge and intentionally. And for my part I know not how to put a difference between those that are witches, and those that are not witches but naturall gross transgressors, if this be not it That the one does these things by vertew of a compact and the oy^r Doth them only interpretatively. They are constructed to be worshipers of Satan selling themselves to do wickedly and to follow the prince of the power of the air; But when those things are done by virtue of a compact that makes the difference: But so it is that this is the nature of the compact, that they consent to Satans proposalls, That he should be worshiped by them; some sell themselves to do wickedly practically or interpretatively: But thir sell themselves intentionally and expressly to Satan. Hence it is that they take him for y^r guide & follow him in his sinfull actings; So ye will find confessing witches acknowledge that they are carried here and there many times upon a call either immediat by Satan, or them that are his Beddells, sometime on y^r own feet and come back again on y^r own feet, other times they are carried and brought back again they know not how.

As for the mark I think there is more weight to be laid upon it then many do. Satan most be in a manner Gods ape to follow & imitate him, he most give marks & impressions, And however Doctors may say such & such things of it, we know not upon what ground, It may be they have been budded & bribed to say such things; yet they themselves may know, and if put to it they will say, that there is still a difference between that insensible mark that the Devil gives, and any oy^r insensible mark that proceeds from any naturall or phisical cause whatsoever.

In the nixt place we come to the fourt thing which is the ground whence members of the visible church should be carried aside to such a horrible crime as witchcraft And first we say It flowes from that Blindness and perverseness that have fallen upon us by the fall of man. Adam and Eve brought upon themselves a Judiciall blindness and thereupon followed a perverseness that people are y^r upon ready to listen much more to Satans tentation then to God. And if God had not had more to do with Adam's posterity It had been easy for Satan to have made Adam and Eve both witches But that God had his Elect to bring out of y^r Loins and had a covenant of grace to transact with Adam and Eve He therefore stopt Satans tentations by that promise 'the seed of the woman shall bruise the head of the serpent.' 2^{ly} It flowes from people undervalueing slighting & con-

temning the Gospell of Jesus Christ It is a Judiciall plague upon many that have Gospell ordinances and Do not improve them, that they are carried aside to witchcraft, and to follow the devil rather then God 2 Cor 7 chap 4 v God doth not use to Blind folks under the Gospell but these that brings It upon themselves by undervalueing the Gospell & not making use of the offers of grace y^rin, and therefor all of us had need to fear Least we be found casting ourselves in Satans Gate by slighting the offers of grace, for then he may Let us follow the Devil instead of following Christ as he threatens Ezek. 20. 25 that he will give them that as a plague that they shall get such statutes as they cannot Live by. Again 3^{ly} It flowes from the prevalency of some unmortified Lust & corruption among people in the visible church such as covetousness, pride, malice &c. these prevailing, they may make themselves aprey to Satan ; I may here make use of what is said of Baalam, that which did stirr him up to Satans way was, he so Loved the wages of unrighteousness, that was the thing that carried him on to the Devil as ye have it Numb. 22 23. The Love of gain hes been a snare to many to carry them aside to this Evil of Witchcraft as likewayes honour & ambition, this was one of the Baits that Balak proposed to Baalam that he would promote him to honour, and no question even these of a higher quality may be carried aside by y^r having respect to honour in this world as well as witches : & others of the poorer sort to get y^r malice and envy satisfied are content to transact with Satan : and thus they that have personally covenanted with Satan are easily drawn to give away these that are under y^r power to Satan also ; and this is a fearfull snare to a young Generation to become of such parents 2 Kings 9, 22 when Jehoram sayes to Jehu Is it peace Jehu ? What peace, says Jehu, so long as the whoredoms of thy mother & her witchcrafts are so many ; and even Jehoram himself was such a person that Elisha the prophet could not deigne himself to give him a word when he with Jehoshaphet came to seek counsell of him concerning the war: What have I to do with thee, says Elisha, Go to the prophets of thy father & the prophets of thy mother As I live saith he before whom I stand If It were not for the presence of Jehoshaphet I would not Look toward thee nor see thee, he being the child of such a vile woman as a filthy whoore & a vile witch, and very probably he followed her steps.

In the nixt place we come to some inferences that may follow from this, I do not draw them from the very words of the doctrine but from the doctrine complexely delivered from this text and first we may see that these that have been given by y^r parents mediat or immediat to Satan & follow his way & have received his mark & have been traird up by these parents in the way of witchcraft & have practised them, may Justly be Lookd upon as witches formally constitute as being under a reall covenant with Satan, suppose they have never renewed that covenant that was between y^r parents & Satan yet they haveing received his mark, & being given by y^r parents & him, he keeps the grip he gets as long as he can, and so they Joyning with witches & meeting at y^r meetings & consenting to y^r wicked actings are to be Judged witches and the ground I Give for this is, as really as childeren of professing parents receiving the externall signe of gods covenant & coming to the assemblies of his people & Joining with

them in the ordinance & acts of worship, tho they never come under a personal covenant with God themselves yet they are constructed to be in covenant with God as well as the parents, I mean externally in covenant with God Just so may those be Look'd upon as professors of Satan and followers of his way. 2^{ly} these that upon a call from Satan keep the meetings of Satan with his followers and Join with them in acts of murder or tormenting y^r neighbors old or young whether by ordinary means as a cord or napkin to strangle them or by a picture by putting pins in it or roasting it at the fire & flamm^g it with vinegar & brandie & all to put the person to torment these are not only murtherers by the Law of God but partakers of Devilrie & Witchcraft because they make use of the means that Satan prescribes for the killing of such & such persons. 3^{ly} another inference is that they that confess themselves that they have been frequently at the meetings of Satan with witches and have concurred with him in his wicked way by essaying to torment or murder old or young are to be Lookd upon as confessing witches as well as they had confessed they had made a personal covenant with him themselves & had confessed they had renounced y^r baptism Because it suppons a reall covenant that is that y^r parents or they that have the power of them have given them to Satan, they have his mark if they be well searcht & have practised with Satan and have gone alongst with him in his horrid act of wickedness. A 4th inference is that they that confess they have been carried here and there to such assemblies with witches they know not how, but sometimes they have been at his call to go, are likewayes to be Lookd upon as confessing Witches. This I would a little amplifie thus. The compact real or personal made between Satan & witches hes this in it that they shall be guided and influenced by Satan & be at his call. Now this is the Remark that ye will find from all confessing witches when Satan would have them at meetings there needs no more but a call, there is no refusing this call they most go whether they will or not which is a strange kind of power that Satan hes over these persons they get not Leave to be so deliberate as to choise or refuse to go but go they most.

A 5^t inference is that carnall dealling with Satan is so gross a crime & so opposit to that natural and moral honesty & chastity among all, that those that confess that are to be Lookd upon as confessing witches. A 6^t inference is that where it may be proven that upon a persons touching of the person enchanted, the Enchanted person is presently & constantly brought under their fitts of distemper and the touch of any oy^r does not bring them under these fitts It manifestly imports that that person hes a hand in the enchanting of the enchanted and that that person is under compact with Satan. This hath been remarked by some of the honourable Judges that at such a persons touch the person enchanted was presently cast into the fit of distemper and that not only once or twice but als oft as they toucht, and when oy^r persons toucht, it was not so. Then again where y^r is manifest Divination and telling of Secrets that cannot be told by any oy^r if it can be provine that any person among the pannalls have foretold things that were most secret either they behoovd to be the enchanter or the enchanted person itself But if it be made manifest that they were not enchanted, then it will follow that they most be the enchanter or privie to

the enchanters deeds & 'Socij criminis.' Then Lastly when a person confesses he was at the murder of a child and diverse with him; Before he came from the house he can relate the very words that the wife spoke to the husband, The child is gone or agoing sayes the wife. It cannot be sayes the husband, and a person sayes he heard that, and true it is these were the very words uttered by them, this is a great ground of suspicion concerning these persons, and that persons testimony concerning those that were with him should be Laid much weight upon.

Now the other doctrine is this that they to whom the power of the sword is committed ought not to suffer a witch to live but see that they be put to death this is exprest Levit. 20, 27 It is the express command of God, and his command should be sufficient tho there were no more but there are many grounds beside, first because these persons are the greatest Idolaters imaginable for they Idolize the greatest enemy that christ or God hes to wit the Devil, 2^h they are the greatest Apostates from God, they Renoun[ce the] way of Salvation by Jesus christ by y^r renouncing y^r baptism, for readily Satan does not Cease till he get them to Renounce that that they may come under a formall covenant with him. Again they are the greatest murderers Imaginable. They murder not only themselves but oyⁿ both old & young as they have access. Again they are the greatest hypocrites under the sun, for they profess notably before the world, they are for God as Baalam, Would he do anything without gods word, No, if Balak wold Give him his house full of Gold and Silver he would not go beyond the word of the Lord Numb. 38 22 23 and 15. he pretended to the greatest religion imaginable, he would do nothing till he calld upon God. But the honourable Judges that have this affair in commission would not Look to what people have professed formerly in the matter of Religion, tho may be beyond oyⁿ for this Balaam had more profession then many oyⁿ, and yet the wages of unrighteousness influenced him, and when he could not get his enchantments usd against the people of Israell; yet by bringing the fair midianitish women among them & causing them Join in sacrifice with them to Baalpeer, he got much mischief done to them. This ye may read Numb. 31 16 we may not Lay weight upon what folks profess. It is a Lamentable and sorrowfull matter when these that have been lookt upon as eminently religious come under such a Blunder as this to be givine up for Witchcraft, & have been as active in renouncing y^r baptism as oyⁿ: this is indeed matter of Lamentation but we most consider there was a Judas among the disciples that betrayed Christ himself to the multitude.

Now I would offer a word to the honourable Judges here appointed for cognoscing this affair that we have been speaking of. And first I would Lay before them that witchcraft is one of these Evil deeds that the spirit of God enjoins death upon & little wonder for witches are the pests of congregations. They are so many Achans that trouble the camp of Israel and when Israel was smitten for one Achan, much more may we fear least we be smitten when so many Such Achans are permitted to live among christians. Again they marr the peace of the professors in the visible church by envy strife & malice for they most be like y^r master Satan who is the father of strife envy and malice, and endeavour still to put

a fire between one christian & another. Again they are a very great Obstruction to the Ministers of the Gospell & marr the furtherance of the Gospell

Another thing I would propose is, the Safety of professors is concerned in it therefor they to whom a matter of Such importance is committed ought to beware that they be not trivial y^rin, & that they do not burden & wearie in searching it out; Leist the Lord give them a reproofe for being so wearie of that which is his concern

3^{ly} It is manifest by the Scripture that such a thing may be gotten tryed out for oy^r wayes how should this precept take place, Will God command things impossible? Let us not say then it is impossible for us to know the intrigues of Satan, Why hath God said thou shalt not suffer a witch to live? if they cannot be Gotten tryd out, there are means to be used And the Honourable Judges would be Entreated not to wearie of any trouble to y^r person, or of any expenss they may be att.

But further I would propose this that they that are found guilty be not suffered to escape, Leist the Lord meet the Judges at another time with that which he said to Achab when he suffered Benhadad to escape 2 Kings 20, 42 because thou hast Let go out of thy hand a man whom I appointed to utter destruction therefor thy Life shall go for his life

Again further I would propose this that confession of the Witches being that which will Clear the Judges most pains would be taken to bring them to a confession, whatever Lawfull means may be usd to bring a person guilty of treason against the King to a confession the same is necessary to bring a witch to confession: but those methods I will not prescribe Let the Honourable Judges think upon them as God shall give them direction.

Again further I would have the Honourable Judges consider they get the honour of being called Gods by God himself psal. 82 The Lord standeth in the assembly of the Gods & Judgeth among the mightie and therefor it concerns all such to imitate God in y^r Judgment & Sentence and therefor first whom God Judgeth & passes sentence against they may pass sentence against them too Again God doth not pass sentence Ignorantly he passeth sentence upon knowledge. I know I need not recommend this to the Honourable Judges; for I hope they'll use all means to come to knowledge & light of this affair 3^{ly} God is a holy God he passeth his sentence In holiness, so let them use holiness in passing y^r sentence 4^{ly} God is an Impartial Judge of all, Earthly Judges have sometime been subject to the sin of partiality, I do not suspect any of the Honourable Judges of this, But only I signifie this that it is a sin most abominable in the sight of God to take budd or bribe, who soever have been Guilty of this in former times, let them answer for it when God calls them to accompt. Nixt the honourable Judges would depend upon God, and they & ministers & people would pray to God that he would Let something fall from his hand in the way of providence that may give save clearing in this matter, for the servants of God are Loath to have the Least designe that the Innocent should be scandalized with such a sin, God save us from cruelty in this matter We only desire that God would bring the works of darkness to light, that these that are enemies to God & mankind may be punished.

Another word I have to say is a word of use to all & it is this O how great an evil most sin be that hath exposd mankind to this to Joyn with Satan & Leave God, and what great wickedness most the undervalueing of the offers of christ & the gospell be. This is a Judicial stroke from God that Satan Blinds the mind of those that despise the Gospell so far as to get them to covenant with him : Then how great a sin most Envy malice & covetousness be, that persons for gaining the satisfaction of y^r own heart have been content to give themselves & y^r children to the Devil. Lastly all the members of the visible church beware of resting upon your external baptism : It is indeed a mean & barr Laid in the gait of Satan : But beware of resting upon it, for some ye see are brought to renounce y^r baptism, & under that they renounce the whole of Christianity : Let this humble us all & let us bewaill it as a great evil that such a place as the west of Scotland where the gospell of christ hes been purely preacht should have so many in it under suspicion of the crime of Witchcraft. Ye that are free, Bless God that hath kept you from the wicked one, and pray out of zeall to God & his Glory that he would bring thir works of darkness to light that marrs your solemnities & are fearfull spotts in your feasts. I go no further. AMEN.

Reviews of Books

THE POETS OF DUMFRIESSHIRE. By Frank Miller, Annan, Dumfriesshire. Pp. vii, 343. Demy 8vo. Glasgow: James MacLehose and Sons. 1910. 10s. nett.

By this book Mr. Frank Miller, of Annan, has rendered to his native county the faithful service of a loyal son. His knowledge of his subject is singularly wide and full, its accuracy is sufficiently attested by the fact that Dr. George Neilson of Glasgow has read the proof-sheets, and he has the further advantage of drawing upon unpublished manuscripts—in particular, upon those of the well-known collector, Mr. Macmath, of Edinburgh. And though it is inevitable that the interest of such a book as this should be to a large extent of an antiquarian, or historical, rather than of a purely literary kind, still in such ballads as 'Fair Helen,' and Allan Cunningham's 'Bonnie Bairns,' Dumfriesshire has produced poetry, both in ancient and modern times, of which not merely the county but the country is rightly proud.

Beginning with a scholarly account of the runes of the Ruthwell Cross, Mr. Miller proceeds to discuss the possibility of tracing a Dumfriesshire hand in Blind Harry's *Wallace*, a poem which betrays such minute knowledge of the topography of Nithsdale as is scarcely to be looked for in the work of a blind man. The hypothesis is that one John Ramsay—possibly a member of the Rammerscales family, which held much land in the neighbourhood of Lochmaben—may have had a share in the epic. But, though it was doubtless Mr. Miller's duty to examine this theory, we may confess that, for ourselves, we are a little weary of literary castles-in-the-air, of which too many have of late been erected, upon insufficient causes. So we prefer the more substantial information embodied in the author's account of the Admirable Crichton, or of Lodowick Carlell, a forgotten dramatist of the seventeenth century. And yet, notwithstanding their birth on Solway-side, these two versifiers were respectively products of the Renaissance and of the Restoration far more than of Dumfriesshire, having nothing about them, so far as appears, to recall the county of their birth. And this fact suggests the question whether, after all, the essential test of the poets of a county be not that they should have illustrated and interpreted its life, its history, and its scenery, rather than merely that they should have been born within its limits. With Ben Jonson, a much larger poetic figure looms on the horizon; but Mr. Miller is too conscientious an historian to claim him positively as an offshoot of the Johnstones of Annandale. Can Jonson's occasional use of Scots words—to which, by the

way, Mr. Miller does not refer—be considered to throw any light on this point? Here is an example from 'Pan's Anniversary,' presented before King James in 1625 :

'As thou our folds doth still secure,
And keep'st our fountains sweet and pure ;
Driv'st hence the wolf, the tod, the brock . . .'

But possibly the use of these last words was intended merely as a compliment to the laureate's royal master.

In his next chapter Mr. Miller discusses the Dumfriesshire ballads, his book being probably in the printers' hands before the appearance of Colonel Elliott's *Further Essays on Border Ballads* had assigned the authorship of 'Kinmont Willie' in its entirety to Sir Walter Scott. Chapters on Covenanting and Jacobite Verse, on the Classic School, and on Burns and Other Poets, then bring us to those two genuine Dumfriesshire singers, Charles Kirkpatrick Sharpe, author of 'Lord Herries, his Complaint,' and John Mayne, author of 'The Siller Gun.' In the person of Ballantyne Fergusson, a Gretna farmer, who died in 1869, aged seventy-one, Mr. Miller unearths a poet hitherto unknown. It appears that Fergusson left behind him a large number of tales and poems in manuscript, which have now in all probability disappeared beyond recovery ; and this is to be regretted, for the single specimen of his work here quoted, the ballad of 'Young Bridekirk,' is fine in feeling and in colour, and transcends William Bennet's 'Young Edward' (the poem next quoted) as what is truly tragic transcends what is merely violent. Mr. Miller's book, with its varied interest, combines a history of local poetry with specimens of the same. It is true that the highest literary glory of Dumfriesshire was no poet, but a prose-writer ; and also that, in poetry, Dumfriesshire must give place not only to Ayrshire with her Burns, but even to Galloway, with her inspired wastrel, Willie Nicholson. None the less, however, has Dumfriesshire done well in poesy ; and we are pleased to remember that in the persons of Sir James Crichton-Browne and Lord Alfred Douglas, not to mention others, she continues in this respect to uphold her reputation.

GEORGE DOUGLAS.

DR. DUNCAN OF RUTHWELL, FOUNDER OF SAVINGS BANKS. By his great-grand-daughter, Sophy Hall. Pp. 157. With illustrations. Post 8vo. Edinburgh : Oliphant, Anderson & Ferrier. 1910. 3s. 6d. nett.

THE subject of this biography which is due to the pious care of a descendant in the fourth generation, and dedicated by her to her husband, has claims upon the student of Scottish history beyond the claim made on the title page, to which we shall presently refer. When, in 1799, Henry Duncan was presented to the parish of Ruthwell, in Dumfriesshire, he found portions of an ancient cross, attributed to the seventh century, lying about the churchyard. This cross he re-erected in the manse garden in 1802, restoring missing pieces to the best of his ability. In 1832 he communicated an account of what he had done, with drawings of the monument, to the Society of Antiquaries of Scotland, for which they returned him their

special thanks. The Ruthwell cross bears a runic inscription, which was the subject of much learned discussion, and is interpreted and commented upon in two papers by J. M. Kemble, printed in the 28th and 30th volumes of the *Archæologia* of the Society of Antiquaries of London, in which he pays a high compliment to Dr. Duncan. The cross has since been removed to the church, and is now under the protection of the Ancient Monuments Act for Scotland.

Dr. Duncan also left his name on the records of prehistoric research, having contributed to the Royal Society of Edinburgh in 1828 an account of the animal footprints on red sandstone found in the quarry at Corncocklemuir.

He took part in the making of ecclesiastical history in Scotland, having been moderator of the Scottish Church in the eventful year 1839. In 1843 he left his manse and joined the Free Church. In March 1846 he was attacked by sudden illness while holding a service in the house of an elder of the Established Church, and was removed to Comlongon Castle, where shortly afterwards he died, in the seventy-second year of his age.

The description of him as 'founder of Savings Banks' requires some qualification. He founded the Ruthwell Parish bank in the year 1810. It 'met with extraordinary success. The first year, the deposits amounted to £151, the second year to £176, the third to £241, the fourth to £922. The small white-washed cottage where it was held is still standing, and the box with its three locks, the keys of which were to be held by three different persons, after the manner customary with the early Friendly Societies, is in the possession of a descendant or the Ruthwell schoolmaster. Both these relics are figured in Mrs. Hall's book. In 1814, Dr. Duncan published his Essay on Savings Banks, which rapidly went into several editions. The Ruthwell bank was the first savings bank established in Scotland; but the idea of savings banks was not new, and in many countries savings banks had existed before 1810. Not to mention Daniel Defoe, whose fertile brain developed that and many other ideas in his Essay on Projects published in 1697. Jeremy Bentham advocated 'Frugality Banks' in 1797, and the idea of organized help for the poor to save and improve their condition by frugality and thrift was much in the air during the whole of the latter part of the eighteenth century.

In fact, savings banks, like everything else in this world, are no sudden discovery by a single person, but are the product of a slow evolution, many minds being simultaneously directed by the same chain of circumstances to a similar solution of the same problems. The names of Joseph Smith of Wendover, Priscilla Wakefield of Tottenham, and Shute Barrington, Bishop of Durham, are equally worthy of memory as pioneers in this movement. In Scotland, the example set by Dr. Duncan spread rapidly. By 1817, the increase of savings banks in Great Britain was thought to call for legislative sanction and interference. For England and Ireland Acts were passed in that year, which required every savings bank to deposit all its funds with the Government, and took away from the trustees all discretion in the investment of those funds, and consequently all responsibility for it.

Such an enactment did not commend itself to the independent spirit of

a Scotsman, and Dr. Duncan fought an active and successful campaign against the extension of the principle to Scotland. Accordingly, the 'Act for the protection of Banks for Savings in Scotland' was not passed until 1819, and then contained a provision by which the trustees of banks might, if they chose, retain their freedom in the investment of their funds. We believe there are still some savings banks which have held to their rights in that respect for all these ninety-one years, but the great majority of the Scottish savings banks have become 'National-security' banks, like those of England and Ireland.

The publishers of this book are justified in their statement that, in view of centenary celebrations in connection with the founding of Scottish savings banks held in June 1910, this memoir by Mrs. Hall is of special interest. She furnishes much information as to the family connections and friends of Dr. Henry Duncan, and several portraits and other illustrations, among which may be noted a reproduction of Mackellar's picture of Robert Burns at Ruthwell Manse, entertained by Mrs. Craig, the widow of Dr. Duncan's predecessor there, and her daughter, who afterwards became Mrs. Henry Duncan. The sun was shining brightly, and as the young lady rose to draw down the window-blind, Burns thanked her and added, 'let him shine! he will not shine long for me.' Among Duncan's university friends were Brougham, Francis Horner, and Lord Henry Petty; and among the associates of his later life, Brewster, Chalmers, and Thomas Carlyle. A letter from Carlyle is reproduced in facsimile: but the address from which it is dated is misread in the text. It is 'Albury,' not 'Albany.' Dr. Duncan was author of a novel in vindication of the Covenanters, entitled *William Douglas*, and was the founder and for some years the editor of the *Dumfries Courier*.

We congratulate his accomplished descendant upon having enshrined the memory of this good man in a work possessing every charm of composition, including the very rare charm of brevity.

EDWARD BRABROOK.

DIEGO DE SARMIENTO DE ACUÑA, CONDE DE GONDOMAR (The Lothian Historical Essay for 1909). By F. H. Lyon. Pp. 118. Post 8vo. Oxford: B. H. Blackwell. 1910. 2s. 6d. nett.

SINCE Gardiner published the first volumes of his History more than forty years have passed, and the period has witnessed the steady publication of Spanish and Venetian State Papers. Sources which were closed, or only partially or imperfectly open to Gardiner, are now accessible to the historical student, and additional light has been thrown on the story of the Spanish marriage with which the name of Gondomar is so closely associated. Gardiner himself edited the correspondence of the Earl of Bristol, and his narrative of the Spanish Marriage Treaty, which the Camden Society published in 1869, appeared to exhaust the subject; but the labours of Major Martin Hume, and the publication during the past ten years of the Venetian State Papers of the period of James I., would have led that eminent historian to modify his views on a number of matters of detail. The publication of the Spanish State Papers has been brought

down only to 1586; but the originals have been carefully examined, and it may be conjectured that they now contain few secrets. Mr. Lyon, who has made full use of the Venetian despatches, differs from Gardiner in some points of secondary importance, but he follows him closely in his general estimate of the policy of the Spanish Ambassador, and his modest and well-written essay may be treated fairly as a short *résumé*, in abstracted form, of the story of Gondomar's mission as it is to be found scattered through the first volumes of the *History of England from the Accession of James I. to the Outbreak of the Civil War*.

It is beyond dispute that Gardiner under-estimated the extent to which Sarmiento made use of bribery. The evidence of such astute observers as Morosini, Foscarini, Lionello, and Contarini is explicit and detailed; and Morosini, writing in 1614 from Madrid, was not affected by the exaggerations of English Court gossip or personal dislike. The Venetian despatches contain many echoes of Contarini's complaint of May 1618: 'Questo Ambr. di Spagna con molto denaro, che spende continuamente, ha guasto et corroto la Corte, essendo huomo pieno d'accortazze et d'insidie.' Again, it appears probable that Sarmiento was not so blind to the weakness and decline of his country as Gardiner imagined. Lionello's report of his conversation with the Ambassador in June 1617 seems to reveal a settled conviction of the weakness of Spain, and not merely the expression of momentary discouragement.

The Venetian State Papers contain some interesting references to Sarmiento's direct influence on the affairs of the English Roman Catholics, which Mr. Lyon has not noted. In October 1616 Lionello wrote to his Government that the Spanish Ambassador had deprived of their pensions all English Catholics who had taken the oath of allegiance to James, indicating that his systematic bribery was not confined to Court circles, and that he was a strict paymaster. On the other hand, in October 1618 Contarini wrote that sixty priests had obtained their pardon at the request of Sarmiento, and had crossed the Channel.

Turning from matters of detail, the value of Mr. Lyon's essay consists in its limitations and abstraction. He has lifted the figures of Gondomar and James from their places in the complex narrative of Gardiner's history, and has presented them in isolation against the diplomatic background of the period. To the student of seventeenth-century life there can be few more fruitful episodes than the embassy of Gondomar to James I., whom, in this connection, one may more justly and significantly name James VI. Both men in their merits and limitations represented adequately national types, as manifested during the period of germination which preceded the Civil War. The Spanish Ambassador, with his brilliant rigidity and doctrinaire abstraction from the diplomatic give-and-take of modern life, would have been an impossible figure in the world of the next generation, the typically Scotch personality of James with the irritable and uncertain tolerance of the disgusted Presbyterian, over-educated and devoid of conviction, yet at the same time attracted through some native instinct by the representatives of extreme theories carried to their logical conclusions, would have dissolved in the fires of the mid-seventeenth century into a

bundle of polemical tracts, couched in familiar and scurrilous language. It was natural that the representative of the Catholic King, with his fierce insular religiosity, should attract the simmering Protestantism of James, which could not reach the boiling-point, and could not gauge the import of the highly-seasoned dishes which his own nation was about to serve up to an astonished and alarmed Europe. Like the ancient mariner and the wedding guest, the former seized upon the latter and held him captive amid the confusion of a company occupied with their own interests, and more eager for the future than for the past.

DAVID BAIRD SMITH.

SECOND CHAMBERS: AN INDUCTIVE STUDY IN POLITICAL SCIENCE. By J. A. R. Marriott. Pp. viii, 312. Demy 8vo. Oxford: Clarendon Press. 1910. 5s. nett.

THIS timely and readable treatise, which Mr. Marriott carefully introduces as the fragment of a larger work, and not merely as a 'Tract for the Times,' is partly a book of opinion and partly a book of facts. In the former aspect it is enough to say that although his standpoint is that of a moderate and progressive constitutionalist, personal prejudices and predilections are sedulously kept in the background. The main part of the volume is a careful statement of the composition and powers of the House of Lords and of other Second Chambers, continental and colonial, with which it naturally challenges comparison. Mr. Marriott has performed this service for historians and politicians of both parties in a manner skilful, judicious and accurate. He is well advised in not aiming at exhaustiveness: he seizes on salient points with skill; and his method of exposition is logical, lucid and attractive.

After a short introductory section, chapters ii. iii. and iv. provide a somewhat sketchy outline of the history of the British House of Lords; chapters v. and vi. treat admirably of the Upper Chambers of the United States, Germany and Switzerland, all of which (from their essentially federal character) offer instructive contrasts to English institutions. Chapters vii. viii. and ix. form the most valuable section of the book, containing a careful analysis of the Second Chambers of Canada, Australia and South Africa. Special attention has been given to the provisions made by the various colonial constitutions for overcoming deadlocks in relation to Money Bills. Although Mr. Marriott has naturally no facts to give that are not to be found in such treatises as Mr. Keith's *Responsible Government in the Dominions*, or in the colonial statutes themselves, his method of presentment is his own, and helps the reader to a clear and succinct view of the essential features of each of these experiments in Parliamentary Government. Chapters x. and xi. discuss the French Senate, and, in more summary fashion, the Upper Houses of Austria, Hungary, Spain and other continental nations. Chapter xii., perhaps the most original section of the book, while still avoiding controversial methods, draws a few conclusions, makes some interesting comparisons, and traces briefly the progress of the movement in recent times for the reform of the House of Lords.

In rejecting the much recommended Referendum as a panacea for the

disorders of the British Constitution, Mr. Marriott would seem not to recognise sufficiently that the Swiss Referendum, properly so-called, is not necessarily accompanied in practice by the Popular Initiative. Neglect of this distinction leads him astray in one or two points. The most enthusiastic advocates of the Referendum do not dream meanwhile of introducing into England the Swiss Initiative, the dangers incident to which have thus only an indirect bearing on the probable results of the Referendum. Although the one may tend in practice to draw the other after it, in theory at least, the two things are distinct.

Mr. Marriott's contribution to the question of the hour is an admirable one. Any inquirer, in particular, who desires brief, accurate and readable information as to the Parliaments of our great Dominions over Seas—those invaluable laboratories of experimental science for British politicians—may be confidently directed to his pages; which, although by no means colourless, contain nothing to which partisans on either side can reasonably object.

WM. S. McKECHNIE.

A HISTORY OF ENGLISH POETRY. By W. J. Courthope, C.B., M.A., D. Litt., LL.D., etc. Vol. VI. The Romantic Movement in English Poetry : Effects of the French Revolution. Pp. xxiv, 471. Macmillan. 1910.

WITH this volume Mr. Courthope concludes his history of English poetry. Pope planned a history; Gray replanned it; Thomas Warton proceeded as far as the sixteenth century; Mr. Courthope ends his work with the death of Scott. It is great matter for congratulation that he is the first historian of English poetry who has accomplished this task. The first volume appeared fifteen years ago, and the others have followed with a regularity which is itself a testimony to his mastery.

This history bears the marks of the time when it was written as clearly as any of the poems of which it speaks. It could not have been written before the end of the nineteenth century. The philosophical discussion of poetry as an expression of the national life, might have engaged the imagination of a Buckle, but the method adopted in Mr. Courthope's discussion shows that he is junior to Taine and a full contemporary of the late Mr. Brunetière. Mr. Courthope is a sturdy patriotic Englishman, with a resolute belief in the political and imaginative greatness of his country. His taste seems to owe nothing to any modern foreign literature: its debt is exclusively to the classics. There is even no clear evidence that he thinks highly of the French critics. But he gives as good an illustration as we shall find in our language of recent tendencies that have found their fullest expression in France. We may quote his own quotation from Shelley,—‘There must be a resemblance which does not depend on their own will between all the writers of any particular age.’ He has set himself to show this during five centuries of English poetry; and he has helped unconsciously to prove that it is true also of modern criticism.

Mr. Courthope has succeeded in devising a scheme which enables him to respect the individuality of the poets, while his main interest is directed to

examining the varying phases in the life of English poetry. His real subject is English poetry, not the English poets; but he takes leave to indulge his predilections and live for a time in the poets' company. It is manifestly an old Harrow boy who gives us a long account of Byron's school-days,—and a classic who quotes generously from the Latin verse of the Marquis of Wellesley and Canning. We find that the passages which impress themselves most strongly on our memory are those which deal with the poets themselves. It is there that the personal note rings clearest. But we fancy that Mr. Courthope means us to find greater interest in his examination of the rise of a habit, the decay of an influence, and the contributory causes. Sometimes the guiding principle of this history may appear to be over-emphasised. The reader is never allowed to forget 'the refining influence of the Renaissance,'—'the civic genius of the Renaissance.' Mr. Courthope carries out his scheme consistently to the close. Those who have a different outlook on poetry will find ground for disagreement. But it can never be questioned that there is no greater English exponent of the historical method in literary criticism.

One of the great merits of Mr. Courthope's work is that poets who were important in their own day but are now comparatively neglected are discussed at adequate length. We shall not find in any other history so good an account of the Della Cruscans, and Gifford, and the poets of the *Anti-Jacobin*. If it be argued that they and such writers as Campbell are given unduly liberal treatment in a volume which deals also with Wordsworth, and Coleridge, and Byron, and Shelley, and Keats, and Scott, it may be replied that there is no account of English poetry which puts us in a better position to understand the criticism passed on all these poets by their contemporaries. How far on the other hand Mr. Courthope's own strictures on the *Edinburgh Review* are to be accepted may be questioned. He says that 'at first the Reviewers, in judging of books, preserved the impartial tone praised by Johnson in the old literary periodicals; but after a time the desire of titillating the public fancy led them into a habit of satirising authors, particularly when these gave any sign of sympathising with the politics of the opposite party' (p. 91): and again, '*Hours of Idleness* was criticised by *The Edinburgh Review* in the tone of contemptuous depreciation which had now become characteristic of that periodical' (p. 237). But Jeffrey's review of *Thalaba*, which appeared in the very first number, did not differ in character from his later criticisms of the Lake school, and Byron's first volume invited Brougham to give a castigation which proved eminently salutary. Nor can the statement that the review of *Marmion* 'led to the foundation in 1809 of the *Quarterly Review*' (p. 392) be accepted in this form. The authorship of the Chaldee Manuscript in *Blackwood* is again ascribed to Hogg, though the evidence as sifted in Mrs. Oliphant's *House of Blackwood* and Mr. Lang's *Life of Lockhart* shows that Lockhart had the largest share in the jest. Of the early numbers of the *Gentleman's Magazine* it is said that the literary element consisted 'mainly of translations from classical and foreign literature' (p. 87); but these were the numbers that contained a complete reprint of Johnson's *London*, the first effusions of the Winchester school-boys, Joseph

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Warton and William Collins, and the lengthy contributions to the first verse competition conducted by an English magazine. We have degenerated since these days. The subject then was 'Life, Death, Judgement, Heaven, and Hell'; any verse was allowed; and the competing poems were published.

Mr. Courthope is nowhere better in this volume than in his account of Scott, who is evidently a man after his heart. Let us state frankly that we do not find him so satisfactory in his account of Burns. He has an admiration of Burns which will please even the most parochial Scot; he contests the view of Mr. Henley that Burns was not successful when he left the vernacular for literary English; but he makes us feel, against his own wish as much as ours, that there is something foreign to him in Scottish literature. His statements that 'an abrupt departure from the accepted form of poetical expression' may be noted in Burns (p. 52), and that Allan Ramsay 'grafted on his Addisonian classicism an imitation of the old Scottish colloquial speech' (p. 54), do not seem to do justice to the vigour and vitality of the native language. We read that 'after the Act of Union Allan Ramsay, reverting in his own practice to the dialect of his predecessors in the fifteenth and sixteenth centuries, made the first collection of ancient Scottish Songs and Ballads' (p. 53). Did Ramsay revert to the language of the fifteenth and sixteenth centuries? In any case his collection was preceded by the *Choise Collection of Comic and Serious Scots Poems, both Ancient and Modern*, printed by James Watson, in three volumes, 1706-1711. And we very much doubt if Burns speaks of his poetry and his imaginative impulses in *Nature's Law*.

D. NICHOL SMITH.

THE CAMBRIDGE MODERN HISTORY. Planned by the late Lord Acton, LL.D. Edited by A. W. Ward, Litt.D., G. W. Prothero, Lit.D., and Stanley Leathes, M.A. Vol. VI. THE EIGHTEENTH CENTURY. Pp. xxxix, 1019. 8vo. Cambridge: The University Press. 1909. 16s. nett.

THE twelve volumes of the Cambridge Modern History were divided into two series. Volume VI., now published, will be followed by Volume XII., which will complete the publication of the text. Two additional volumes will then follow, one containing maps, and the other genealogical and other tables and a full detailed general index to the whole work.

The title of Volume VI. must not be taken too literally. The story of the eighteenth century, that 'infamous parenthesis' as De Maistre regarded it, is, on the plan of the Cambridge Modern History, much too great for one of even its substantial volumes. Thirty-one years of Napoleon's life, thirty years of the reign of Peter the Great, fifteen of the reign of Louis XIV., the whole story of the French Revolution, that of the United States War of Independence, seventeen years of the history of the British Empire under George III.—all belonging chronologically to the eighteenth century—will be found in other volumes of this great work.

But Volume VI., nevertheless, tells the story of what is an epoch by itself, and a very instructive one. The special period it covers begins with the Utrecht treaties of 1713-1718; it is the history of their rupture, and it ends with the outbreak of the French Revolution in 1789. It contains a conspectus of the experiments in government of a large number of nations, and of the results of these experiments,—from absolute monarchy to absolute democracy, from government by one chamber to government by four. The most varied constitutions are seen on their trial. Events crowd the pages with interest. Nations continually associate and separate. Eternal and irrevocable alliances are made, are honeycombed with secret fraudulent reservations, and are abrogated at convenience. Wars are no longer waged, as in the previous century, for religion or for political rights, but for commercial monopolies and the claims of rival dynasties. And the majority of the populace has still its immemorial preference for being governed rather than for governing. States and their inhabitants, Parma, Sicily, Sardinia, Poland, Piacenza, Tuscany, Lorraine, are bought and sold, given away or exchanged, without any one asking the wishes of the people or troubling about their opinions. The age has been called that of the ‘benevolent despots,’—the Georges in Britain, Frederick William I. and Frederick the Great in Prussia, Catharine II. in Russia, Gustavus III. in Sweden; all less conspicuously benevolent than despotic, and several thought by their contemporaries to sit rather in rocking-chairs than on thrones.

The volume begins with an account of the Hanoverian Succession, ‘one of the wonders of English history.’ It describes the reign of George I., the rise of Walpole, his foreign policy, his Excise scheme, and his land tax, ‘the landed gentry,’ as he said, ‘like a hog, squealing whenever you laid hands on him,’ and the development of the English parliamentary system. It tells, too, the tale of that wonderful religious revival under Wesley and Whitefield in Britain and America, which sought, as Walpole said, to raise the ‘common wretches’ above their station. A chapter is devoted to Jacobinism and the Union, and then the history turns to give an account of the doings of the Bourbon governments in France and Spain down till the middle of the century. Chapter VI. describes Law’s remarkable financial system, the mad epidemic of speculation in Europe, the rise and collapse of the South Sea Company, ‘a giant bubble in a sea of bubbles,’ and the new plans of colonial development. Then we read the pathetic story of Poland, ruined by chronic and incurable divisions and its hopelessly vicious constitution. The next chapter describes the War of the Austrian Succession, and the next Frederick the Great’s Westminster Treaty with England, and the Seven Years’ War which left the hero an old man, and England, instead of France, the world’s leading power. A chapter is devoted to Russia under the Empresses Anne and Elizabeth, and another to Catharine II. We see the Muscovites transformed into Russians, and their country, at an expense of millions of lives and incalculable treasure, pressing on to recover ‘her natural and legitimate southern

boundaries.' The illusion of Ottoman invincibility is dissipated, and the Tartar hordes cease to be a terror, if they continue to be a plague, to their European neighbours. A chapter is given to Spain and Portugal in the second half of the century, and to Portugal's great colony, Brazil; and we then return to England in the same period, from the rise of the elder to the rise of the younger Pitt. A peculiarly interesting chapter on Ireland follows, telling, among other things, how a union with Ireland was proposed, and could have been carried, at the same time as the union of England and Scotland, and before the spirit of antagonism was roused which made the union of a century later so difficult and so unsuccessful, but was prevented by the commercial jealousy which dictated the selfish and short-sighted policy of the time.

There is no part of the volume more engaging than that which treats of India, the Moghul Empire, and the long conflict between the French and the English till the end of the French dominion in India. The stories of Clive and Warren Hastings, of romantic and perennial interest, are told anew, with ample knowledge and cool judgment.

A chapter is given to Italy and the Papacy; and another to Switzerland (not yet a republic), its class-wars, its oligarchic rule, and its curious habit of foreign service by which it was calculated to have sacrificed 700,000 men to France alone, receiving £95,500,000 in return. Chapter XX. treats of the home and the foreign policy of Frederick the Great and his successor, including that bureaucratic but effectual experiment in state socialism in Prussia, begun by Frederick William I., the unexhausted influence of whose spirit and methods we see in German organisation to-day. A chapter is devoted to Denmark, and another to Sweden, and the text concludes with a masterly essay on English political philosophy in the seventeenth and eighteenth centuries, and a brief but comprehensive account of the Romantic movement in European literature.

The treatment throughout, grave, accurate and moderate, is worthy of the reputation of the work and of the deep and multifarious interest of the period. The happy mean between the performance of the annalist and that of the artist has been attained. One is not only charmed with good writing, but satisfied with the sense of security inspired by the restrained and sedate method of the book. Complicated and fine-spun diplomatic manoeuvres are disentangled and set out with clearness and precision. And not national struggles alone, but personal conflicts in cabinet and senate are vividly presented. The brilliant account of Pitt's career may serve as a fine instance, where many examples might be quoted, of excellence in narrative. The tale is told so that its characters live again, once more the Great Commoner casts his spell over men's minds, and we exult or tremble as fortune favours or deserts him.

There are scarcely enough flaws in the book to show how exceptional they are. On p. 340 the 'Grand Duke Paul' seems to be a mistake for the 'Grand Duke Peter.' On p. 837 the title of De Maistre's book should be *Du Pape*, not *Le Pape*. Sometimes the too common

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error occurs of saying 'the latter' where 'the last' is meant. The reader perplexes himself over such a statement as 'Elizabeth was suspected of still hankering after an archduchess,' p. 154.

The concise text is, as usual, supplemented by ample and admirably arranged bibliographies, chronological table and index.

ANDREW MARSHALL.

THE STRENGTH OF ENGLAND. A Politico-Economic History of England from Saxon Times to the Reign of Charles the First. By J. W. Welsford, M.A. With a Preface by W. Cunningham, D.D., F.B.A. Pp. xviii, 362. Post 8vo. London: Longmans, Green & Co. 1910. 5s. nett.

MR. WELSFORD'S book is of great interest as an attempt to view the political history of England from an economic standpoint, involving some new combinations and many new interpretations of familiar facts. He follows two main lines, the influence of economic interests on England's relations with foreign powers, and the development of a protective policy in England.

During the Middle Ages England's foreign policy was much affected by her commercial connection with Flanders, the market for her wool. The contest for the Flemish market was the key to Anglo-French relations, complicated by the dependence of Flanders on France for her food supply. The question of an open market in Flanders was also important in the Scottish War of Independence. The Scottish wool growers found that union with England meant stoppage of trade with Flanders, while the French alliance brought the re-opening of the Flemish market. When England began to make her own cloth she gradually adopted a protective policy, forbidding the import of Flemish cloth. Protection of English industry was part of the Yorkist policy in the fifteenth century; it was adopted by Henry VII., and further developed by Burleigh and the Stewarts. The merchants of Antwerp wanted to keep a free market, and this free trade policy in time ruined the Netherlands. They became a nation of consumers, not producers. Spain's decay was due to the same cause. The enormous quantities of bullion from America enabled her to buy commodities which might have been made at home, and the best elements of her industrial population, Jews, Moors, and Moriscoes, were driven out of the country.

France, like England, adopted a protective policy, but Mr. Welsford unfortunately has not written of the last part of the seventeenth century, when rivalry between protected England and protected France was becoming acute. Economic influences are, however, more often taken into consideration in dealing with the history of the seventeenth and later centuries, and Mr. Welsford has done great service in emphasizing their importance earlier, though he is perhaps inclined to go too far and ignore religious and other forces. His pen is sometimes that of a partizan, especially in dealing with the early stages

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of the quarrel of Stewarts and Parliament. There are a few mistakes (notably in the mention of the restriction of the franchise in 1430 to those with property of twenty shillings a year annual value, instead of forty shillings) and some inaccuracies, but death prevented the author from finishing or revising his work. It is an able exposition of a plea for a wider view of the facts of history.

THEODORA KEITH.

A CALENDAR OF THE COURT MINUTES, ETC., OF THE EAST INDIA COMPANY, 1640-1643. By Ethel Bruce Sainsbury, with an Introduction and Notes by William Foster. Pp. xxix, 407. Med. 8vo. Oxford: Clarendon Press. 1909. 12s. 6d. nett.

THIS is another volume of the excellent series of Calendars of the Court Books of the East India Company, in the new and improved form to which attention has previously been drawn. Not only are there the same features of clearness and sympathy, but the period covered is a most interesting one. Indeed it is only to be expected that on the one side echoes of great historical events would be heard at the meetings of the adventurers, while on the other hand an exact knowledge of the proceedings of a body so important as the East India Company will add much that is of value to our knowledge of the period. Here, for instance, the clearest possible evidence of the financial difficulties of the contending political parties is provided, and one notes that, as the outlook becomes more overcast, confidence and credit are greatly shaken. For instance, the Company could not find a market at home for many of its goods, and was forced to sell them abroad. Or again, it is significant to note that in the middle of 1642 capital was being exported secretly. This is the meaning of an obscure report from the governor that these were gentlemen (who desired to conceal their names) who were willing to pay £16,000 into the Company's treasury, on condition that the Company should pay them the equivalent amount at Leghorn.

But these are mere side-lights on the situation, as compared with the transaction which has come to be known as 'the Pepper Loan.' Mr. Foster is now able to print full summaries of the documents on which he based his account of this transaction, and now for the first time the earlier part of this episode can be viewed in its details. The following is what happened—the Company had offered to sell its large stock of pepper in 1640, by tender for large lots, long credit being given. It was the latter condition that appealed to the advisers of the Crown, and eventually Charles I. purchased pepper, for which he contracted to pay £63,283 11s. 1d. The whole quantity was resold at once at £50,626 17s. 1d.—the difference representing the charge for the obtaining of ready money.

It may have been the storm and stress of the times that gives so many touches of human interest in this set of the minutes. If an adventurer felt himself aggrieved he had no hesitation in saying so: for instance, a son of Sir Dudley Digges failed to secure a remission of

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some charges against his father, and he is recorded to 'have departed from the Court very dissatisfied' (p. 27). Then the persistent Mr. Smithwicke is to be found protesting against 'the inequality of the gratifications given to the Committees' (p. 69). Also it is of interest to imagine the Court giving its attention to the matrimonial affairs of its servants: thus, George Muschampe having sailed to the East, there were frequent petitions from his wife 'to repair to her husband,' and apparently the Committee found it difficult to restrain the lady's impatience till news of the safe arrival of the outgoing ship had been received (p. 122). It is interesting to notice a ship's chaplain being censured for private trade, and also that a surgeon-general was accused of having 'new boyled the salves againe,' and so made the Company pay for them twice. This charge the surgeon denied 'upon his reputation,' but he admitted that he used them at Christ's Hospital to cure the poor (p. 284).

These extracts will tend to show the extent and variety of the information contained in this volume, which will be found not only essential to students, but also of wide general interest.

W. R. SCOTT.

LEGAL PRACTICE IN AYR AND THE WEST OF SCOTLAND in the Fifteenth and Sixteenth Centuries. A Study in Economic History. By David Murray, LL.D., F.S.A. Pp. viii., 105. With Illustrations. Demy 8vo. Glasgow : James MacLehose & Sons. 1910. 5s. nett.

IF this book had been published anonymously no one in the 'West of Scotland,' acquainted with the literature of the district, would have had much difficulty in identifying the author. Dr. Murray's wide knowledge and unequalled facility in citing illustrative passages from recondite sources are here fully exemplified and exercised to good purpose. The daily doings of Gawane Ros, an Ayrshire notary, with the accounts of similar transactions as described in old registers and statutes, or narrated in the writings of practical lawyers, are compared with modern experiences, and from this comprehensive survey of things new and old the opinion is formed that in its essentials daily life was much the same four hundred years ago as it is to-day. Old forms and usages have maintained their hold throughout the centuries. A conveyance of the year 1500 did not materially differ from that of 1900, though attestation at the former date was more commonly effected by sealing than by signing, a seal being borrowed when the granter had not one of his own. Before the introduction of public registers the protocol books of notaries were available for preserving deeds of importance; and both Popes and Emperors passed regulations for ensuring their accuracy and reliability. Multifarious details of a less formal character are likewise to be found in the protocol book of a busy notary. What in our day can be done by a posted letter was in former times carried through by verbal notice, followed by a notarial instrument recording the proceedings, and 'the notary's protocol book thus embodies pretty much the information which is to be found in the business ledger and letter book of the modern practitioner.'

Kept constantly on the move, and travelling in the exercise of his profession all over Ayrshire and through parts of other counties, Gawane Ros had no need of a fixed office. The parish church was the common meeting place of the people, and there transactions were often settled and notices given. On the occasion of a loan being negotiated, the borrower appeared before the notary and bound himself to repay the amount, the place for repayment being generally a church, at a specified altar if there were more than one, and on a fixed day, 'betwixt the sun rising and ganging to rest of the samyn.' Title deeds were sometimes deposited in churches or monasteries for safe custody, but boxes or 'pocks' in the possession of law agents more commonly served the purpose. Alluding to the agreeable process whereby the Town-Clerk of Fairport washed the dust out of his throat after he had 'touzled out mony a leather pokeful of papers,' Dr. Murray mentions that a late writer in Glasgow



SEAL OF THE BURGH OF PRESTWICK
Fifteenth Century

'kept his clients' titles in leather pocks.' The worthy practitioner here referred to had an unhappy knack of mislaying title deeds, and some of his professional brethren must still have vivid recollections of bewildering hunts among his pocks, resulting too often in disappointment rather than success.

Originating in a paper read at the annual meeting of the Incorporated Society of Law Agents in Scotland, held at Ayr in October last, Dr. Murray's book is based on two volumes of protocols, bearing the dates 1512-24, and 1527-32 respectively, abstracts of which have been printed by the Scottish Records Society. Registers of a similar description, applicable to nearly every district in Scotland, and some of them going as far back as the 15th century, are still in existence, but closed to public utility as they remain in practically inaccessible MS. Some of these registers are, as in the case of Ros's protocols, preserved in the General Register House at Edinburgh, and others are shelved in the repositories of royal burghs. In view of the historical importance of their contents it is to be regretted that greater activity has not hitherto been shown in extracting from these neglected volumes the story they have to tell of bygone times.

It is greatly to the credit of the Scottish Records Society that they have entered upon the publication of such valuable material, but this field of research is too wide to be adequately cultivated by one society. Unless awakened interest in the MS. Protocols, with their stores of local history, is manifested in the districts more immediately concerned, and some movement is set on foot for securing their publication in groups or sections, it is to be feared that most of them must for some time remain in obscurity. From Dr. Murray's pages, which ought to have a stimulating effect in the direction indicated, a fair idea of the quality of such registers may be formed. In the Ayr entries, as might be expected, there is much about early shipping. The other subjects, embracing family matters and business transactions of every sort are too varied to be catalogued here; and it may suffice by way of summary to quote the words in which Dr. Murray concludes his highly interesting and informative commentary: 'The impression given by a perusal of these old deeds is that strong family affection and friendship underlay all the arrangements; that parents and children and other relatives were anxious to fulfil their duties to one another; that these arrangements were carefully thought out and seriously adjusted in what were deemed to be the best interests of all concerned. Looked at from the point of view of the present day, with its movement and stir, and its superabundance of luxury and comfort, the domestic and social life of 1509 might seem to have been narrow and dull, and in some respects mean and sordid, but that would be a false judgment. The people of those times were as human as those of to-day. Their joys and sorrows were the same. They endeavoured to do their parts in the world honestly and uprightly, and there was probably less selfishness, self-seeking and push than there is to-day. Riot and violence are no longer resorted to by ordinary citizens, but the passions which prompted those outbursts in the old days exist much the same now as then. They merely find different outlets and more moderate forms of expression.'

ROBERT RENWICK.

SCOTTISH EDUCATION: SCHOOL AND UNIVERSITY, FROM EARLY TIMES TO 1908. By John Kerr, M.A., LL.D., Trinity College, Cambridge; formerly Chief Inspector of Schools and Training Colleges in Scotland. Pp. xvi, 442. Demy 8vo. Cambridge: University Press. 1910. 6s. nett.

SCOTLAND is entitled to pride itself on the fact that the history of her educational system should form the subject of two almost synchronous works issued from the Oxford and the Cambridge University Press—the former by Mr. Strong, Rector of Montrose Academy, and the latter by that well-known and highly esteemed veteran in educational work, Dr. John Kerr. Dr. Kerr divides the subject into Four Periods, each of which is separately dealt with, each period having its own chapter on the various kinds of elementary and secondary schools, and on the four universities as they developed under the ever varying conditions—social, economical, ecclesiastical, and political—of each century.

The arrangement has this advantage, that it allows the author to

concentrate his attention successively upon various well-defined phases of the subject, and to paint for us a graphic picture of school and university under the conditions of each age. That picture he has made interesting by vivid description, and by copious illustrations drawn from an almost bewildering range of authorities. Dr. Kerr can turn upon each phase the light of historical and literary anecdote, and contrives to enliven the life of school and university with sympathetic touches that connect them closely with all the dramatic movement of Scottish history and Scottish thought.

It is scarcely necessary to say that a history of Scottish education, which extends over more than five centuries, touches upon an embarrassing range of topics. Dr. Kerr's volume contains abundance of material of the first interest alike to the student of Scottish social habits, to the economist who desires to compare the conditions of Scottish life from age to age, and to those who seek to follow the phases of her ecclesiastical development. All will find here something that throws a new light upon their own special study—and perhaps, for the same reason, all may find in Dr. Kerr's conclusion something which they may be disposed to criticise. Because it is in her educational history that we find the prime concentration of Scottish energy, and the most faithful mirror of her life. All the humours that blend themselves with her sturdy habits of intellectual discipline, with her indomitable thrift, with her intensity of ecclesiastical contention, are here reflected. Dr. Kerr steers an even course, and is no bigoted partisan. But he would write but a colourless history of Scottish education who did not run the risk of offending some cherished prejudice amongst the host of those who will be interested readers.

The extent of the field and the wide chronological range which it covers make it hard to deal thoroughly and systematically with all its details : and some may find that Dr. Kerr gives us rather a glimpse than a complete history of each passing phase. But what he achieves is something more interesting than a detailed history : he shows us, to the life, the spirit that animates the whole. His narrative never fails to be racy and animated, and it is instinct with the strenuous spirit that has impressed itself upon the long struggle against often adverse conditions which gives to the history of Scottish education its real interest. To his task Dr. Kerr has brought lifelong knowledge of the subject at first hand. He has seen with his own eyes the development of Scottish education during the last fifty years of its most rapid advance. He knew it when the traditions and quaint usages bred of the nation's life and racy of the soil were still a real and effective force, and he has had unrivalled opportunities of seeing these old habits and traditions blending with new aspirations, transforming themselves under new conditions, and expanding to meet a new and vigorous rivalry elsewhere. He 'is a part of all that he has known' ; and even if others may deal with historical episodes in greater detail, it will be hard for anyone to grasp more faithfully the spirit of the work in which he has done yeoman service. His illustrative anecdotes, his wealth of literary allusion, the glimpses of humour with which he enlivens his pages, are all a part of the subject. They help us to understand it better ; and they

teach us how close is the fundamental bond of sympathy between the various parts of the educational machine, and how they repeat the most dramatic features of Scottish life and character. We are not sorry to learn that Mrs. Macstinger's disciplinary methods were anticipated in the 'queelin stane' of the old Parochial School of Aberdeenshire. They deserved the dignity of historical tradition. The substantial value of Dr. Kerr's history is in no way diminished because he has allowed himself and his readers the occasional luxury of humour.

LINLITHGOW PALACE: ITS HISTORY AND TRADITIONS, WITH PEEPS FROM ITS WINDOWS AT THE BURGH AND SURROUNDING DISTRICT.
By the Rev. John Ferguson, D.D., F.S.A. (Scot.), Minister of Linlithgow. Pp. xxviii, 369. With numerous Illustrations. Royal 8vo. Edinburgh : Oliver & Boyd. 1910. 10s. 6d. nett.

FIVE years ago the minister of Linlithgow published a history of St. Michael's Church, under the title of *Ecclesia Antiqua*. This is now followed by *Linlithgow Palace: Its History and Traditions*—a handsome volume in large type with many illustrations. Dr. Ferguson prefixed to his first work the words of Professor Freeman: 'There is no district, no town, no parish whose history is not worth working out in detail, if only it be borne in mind that the local work is a contribution to a greater work.' This is the spirit which the author has carried into his work, and it therefore forms a valuable contribution to the general history of Scotland.

Dr. Ferguson has come to be of opinion that there was originally a manor house or hunting lodge at Linlithgow, where the early kings may have occasionally resided, and that the Palace was built by James I. between 1424 and 1437; 'and that his successors on the throne, while some of them altered and beautified portions of it, and one of them built a whole side which had fallen, did not depart to any material extent from the original design.' This view is based on the large amount of money expended on the building between the years mentioned, viz.: £4518 8s. 10d. derived mainly from the great customs levied at Blackness. But the evidence is not very convincing.

The second chapter is headed 'King Edward's Peel.' Edward I. during his invasions of Scotland visited Linlithgow five times, and built fortifications round the place where the Palace now stands. The stockaded or palisaded and moated enclosure was the peel. This subject was thoroughly worked out by Dr. George Neilson in his paper on *Peel: Its Meaning and Derivation*, published in 1893. Dr. Ferguson appears to have arrived at the same conclusions. Subsequent chapters trace the history of the Palace during the reigns of the Jameses and of Mary, and Dr. Ferguson chronicles, so far as he has been able to trace them, every visit of importance paid to the Palace by these monarchs. Many interesting events connected with the Palace and Burgh are described, and the old Provosts and Bailies play their parts also. Chapter x. deals with the Palace from the accession of Charles I. to the Revolution of 1688, and we have here a graphic description of a state visit by Charles I. on 1st July, 1633, the last occasion on which a king slept within the walls of the Palace.

The chapter dealing with the rebellions of 1715 and 1745 has little to say about the Palace, but we get some interesting glimpses into the state of parties in the Burgh—the Provost taking sides with the Jacobites, as also did the fifth and last Earl of Linlithgow, whose estates were forfeited—he himself dying in Rome in 1723. Credit must be given for the exposure of the popular error for which Sir Walter Scott seems to have made himself responsible, that the Palace was burned by Hawley's dragoons. It was while the Palace was in the occupation of the Duke of Cumberland's troops that this happened. The twelfth chapter gives an account of the ruins, and it is stated as a curious fact that the Pope's image escaped destruction, and that an image of the Virgin Mary is still *in situ*. Queen Victoria's visit to Linlithgow in 1842 is referred to, and various proposals which have been made to preserve or restore the buildings are enumerated. In the author's opinion the only proper use to make of them is to convert them into a *Museum of Stuart Antiquities*—a proposal which we think also commended itself to Lord Rosebery. A final chapter gives the names and dates of the various Keepers and Masters of Works from 1334 to 1833, when the buildings were transferred by Act of Parliament to H.M. Commissioners of Works and Public Buildings.

The book is written more from the standpoint of the general reader than from that of the antiquary or legal historian, and occasionally the author travels beyond his limits, as for instance when he refers to the Massacre of Glencoe as 'an almost necessary piece of severity'—a view in which he will find few Scotsmen to concur. Great diligence has been shown in searching through original records. Acts of Parliament, the Treasurers' Accounts, the Exchequer Rolls, the Register of the Great Seal have all contributed to the result.

A last word must be given to the Appendixes. These are five in number, of which the first is the most interesting, and is now printed for the first time. It is a Pay Bill of Edward I. for work done at the Peel of Linlithgow in medieval Latin, and gives the wages per day of the various workers employed on the peel. Among other items we learn that 140 women were employed as 'fossatores,' getting 1½d. each per day for five days. There is a 'Portmartell,' who gets 6d. for a '*Septennium*,' poor pay even for the time of Robert the Bruce; but *Septennium*, which occurs more than once, should no doubt be '*septimanam*.' A '*Portmartell*' is probably the man who carries the mell or hammer. Sawyer becomes '*Savyator*,' and there is a '*Bloccarius*,' a man who rough-hews the wood '*in bosco*.' There are other workmen whose names explain themselves, e.g. *Caementarii*, *Carpentarii*, etc. *Init* on page 304, 14 lines from top, is evidently a misprint for *iuit*. It might be worth while to give a revised transliteration of the document along with a translation.

J. B. DOUGLAS.

FURTHER ESSAYS ON BORDER BALLADS. By Lieut.-Col. The Hon. Fitzwilliam Elliot. Pp. x, 248. Crown 8vo. Edinburgh: Andrew Elliot. 1910. 3s. 6d. nett.

THE old Border spirit is not dead. A spirited duel, begun nearly four years ago, on the subject of Colonel Elliot's *Trustworthiness of the Border*

Ballads, is still in active progress, nor do the swordsmen show, so far, the smallest sign of exhaustion. One might safely leave them fighting, feeling sure on returning to find them still at it. Dr. Andrew Lang is the more agile combatant, by far the greater master of the resources of rapier-play; but Colonel Elliot carries the heavier arms and has the greater staying-power. The present writer backs Elliot to win in the long run. Meantime the fight is rather pleasant watching, and there is this to the good about it—that it seems to show that the old acrimonious methods of literary controversy have been superseded by better methods. For the courtesy of both fighters is as perfect as that of Roland and of Oliver in Victor Hugo's superb poem. It is thus that Border champions fight—at all events, nowadays. The brilliant author of *Peerage and Pedigree* might with advantage study their procedure.

But what is it all about? About Sir Walter Scott, mainly. Colonel Elliot says that Sir Walter Scott took large liberties with the Ballads of the Border Minstrelsy. This, by the way, is no more than many of us have felt convinced of in our own minds for a long time past. But to Colonel the Hon. Fitzwilliam Elliot has fallen the task of establishing this private suspicion on a footing of certainty, and making it public property. For example, Colonel Elliot says in effect, in one or other of his books, that Scott perverted the ballad of *Jamie Telfer*, wrote entirely that of *Kinmont Willie*, and constructed that of *Otterburn* from Herd's version tempered by Percy's version, with additions from his own imagination. (Of *Auld Maitland* I say nothing; for, admitting it to be no genuine antique, I count it not worth troubling about. There are probably at least a dozen Borderers now living—Dr. Andrew Lang himself is one—who could write as good, or better, any forenoon.)

So much, in very succinct and general terms, for Colonel Elliot's case. But now, says Dr. Andrew Lang, Scott's character is assailed. And immediately his hand is on the pommel of his sword. It is mettlesome of him, and we like to see folks mettlesome, particularly at Dr. Lang's years; but at the same time it is entirely uncalled for. So by the way were most of the best Border fights; *Otterburn* itself, for instance, and *Flodden*. There is, in fact, a couplet from Milton which puts the whole matter in a nutshell:

Thee bright-hair'd Vesta, long of yore,
To solitary Saturn bore;
His daughter she; in Saturn's reign
Such mixture was not held a stain.

Nor, in George III.'s reign, was the mixture of Herd with Percy, or of Scott with antiquity, held a stain either. Scott of course mixed his ballads, as Reynolds did his colours—'with brains, sir'—or we could not have said as much. And that is what all this pother is about. But, as I have already said, it is pretty watching. And I don't deny that some luminous sparks have been emitted by the clashing swords. The 'aged persons' who lived 'at the head of Ettrick Forest,' and stored ballads in their retentive memories, have had their day. No one now believes in them any more than in the old body who weeded

Surtees' garden and hoaxed his Dryasdust friends. Colonel Elliot has given these old parties their quietus, and it is about time that that should be understood.

GEORGE DOUGLAS.

ROBERT DODSLEY: Poet, Publisher, and Playwright. By Ralph Straus. Pp. xiv, 407, with illustrations. Demy 8vo. London: John Lane. 1910. £1 1s. nett.

ROBERT DODSLEY is not the only publisher who was also an author, yet it can scarcely be questioned that, amongst those who have enacted this dual rôle, he is by far the most interesting. Beginning life in the humble capacity of a footman, he raised himself by dint of perseverance and labour; and many of his poems were keenly admired by his contemporaries, while a single month once witnessed the production of no fewer than three different dramas from his busy pen. Moreover, he was on intimate terms with almost countless notable people of his day; while he issued the writings of many famous authors, and in several instances gained their esteem and gratitude for the manner in which he transacted their affairs.

It was a happy idea, then, which led Mr. Ralph Straus to essay a life of Dodsley; and he merits our praise and gratitude, alike for the conception and for the manner in which he has acted thereon. It cannot be said that the personality of Dodsley himself dominates these pages, or that he rises clearly before the mind's eye of the reader; but then, on the other hand, one gets the impression throughout that the biographer has left no stone unturned, and has utilised practically every available source of information. He has engaged the friendly help of several acknowledged authorities on the Augustan age, notably Mr. Edmund Gosse and Mr. Austin Dobson; while he has studied the memoirs of the period well, and has exhumed nearly two hundred letters to or from Dodsley, nearly all of which are entirely new to the public.

The antiquarian and historical significance of these documents is great. Not only do they shed light on the purely social and domestic life of the mid-eighteenth century, but they illustrate incidentally the development of English printing—a subject Mr. Straus is well qualified to handle, inasmuch as he formerly wrote the biography of John Baskerville, the Birmingham typefounder—while they elucidate the *modus operandi* of Georgian publishers, and allow us to see behind the scenes in this particular. Shenstone and Gray, Dr. Johnson and Burke, Horace Walpole, Sterne, and Edward Young of *Night Thoughts*—all these had at least some of their works published by Dodsley, and the letters of all are copiously represented here. They show, certainly, that the difficulties to be surmounted by the rising author were nearly as great in the mid-eighteenth century as to-day, but they prove, also, that verse was far more marketable then than now; and it is interesting to learn, for instance, that Gray received £40 on parting with 'all my right and property in my two Odes, the one intituled The Powers of

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Poetry, ye other 'The Bard,' and that Dodsley himself made nearly £1000 in the course of publishing the said poet's writings.

Historically valuable as it undoubtedly is, Mr. Straus's book is disappointing in one respect. Dodsley lived during the times of Jacobite activity, and so one naturally expects that his biography will cast some light, if not on the exiled Stuarts themselves, at least on the doings of their partisans in England. But the text of these pages contains never a word of such matter, and the only items of interest in this direction are included in one of the appendices. This is a chronological list of all the books issued by Dodsley, and, as it extends from 1735 to 1764, it of course sets forth a number of sermons commemorative of Culloden, odes to the Duke of Cumberland, and such like.

W. G. BLAIKIE MURDOCH.

PERSONAL AND PARTY GOVERNMENT: A CHAPTER IN THE POLITICAL HISTORY OF THE EARLY YEARS OF THE REIGN OF GEORGE III., 1760-1766. By D. A. Winstanley. Pp. ix, 322. Crown 8vo. Cambridge: University Press. 1910. 4s. 6d. nett.

MR. WINSTANLEY, returning to a theme on which he has already contributed to the pages of the *English Historical Review*, has supplemented the printed authorities for this crucial period by a diligent search among the additional MSS. at the British Museum (including the Newcastle, Hardwicke and Bute papers). He has subjected the evidence thus collected to a minute and searching analysis; and his conclusions possess a two-fold interest: institutional and biographical. If, in these six years, George III., by the skill displayed in turning personal jealousies and political misunderstandings to his own account, secured the temporary restoration of the supremacy of the royal prerogative, he also, by destroying government by faction, prepared the way for the permanent establishment of that system of true party government whose embodiment is the modern Cabinet.

The chief biographical interest, on the other hand, centres round the conduct of Pitt; and here Mr. Winstanley, while easily repelling Dr. von Ruville's impeachment of Pitt's moral character as one who sacrificed convictions to a sordid love of money, yet condemns him on political grounds for refusing to co-operate with Newcastle and the Whig leaders either in the formation of a coalition ministry or in a united opposition to the Cabinets maintained in power by the Sovereign for reasons of his own. Mr. Winstanley cannot apparently hold Chatham entirely guiltless even of the errors of George's later Ministries, in their dealings with the American Colonies; for if he had taken the reins himself, the catastrophe might have been averted. Pitt, however, as Mr. Winstanley lets us see he is well aware, did not refuse to become an adherent of the party system out of mere caprice, but on grounds of profound and settled conviction. He may have shown defective statesmanship in failing to anticipate the value of a new and vital principle, but it is easy to criticise him in the light of actual experience of that great system of party government which, after a century of prosperity, is held by some political theorists at the present day to be once more

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upon its trial—fated perhaps at no distant date, to be superseded by something new. It is possible, however, to feel confident that the essentially British system of party government will prove hard to kill; and yet to be reluctant to condemn the political conduct of so great a man as Pitt, because he failed to view it from the standpoint of a later century than his own.

Mr. Winstanley has written a scholarly, interesting and suggestive study, which, it is no detraction from its merits to add, is also provocative of discussion.

WM. S. McKECHNIE.

ORIGINAL ILLUSTRATIONS OF ENGLISH CONSTITUTIONAL HISTORY. By D. J. Medley, M.A., Professor of History in the University of Glasgow. 8vo. Pp. xi, 397. London: Methuen & Co. 7s. 6d. nett.

THIS single volume of select documents for the use of ordinary students of constitutional history is welcome not only for itself, but for the vigorous assurance it connotes of Professor Medley's recovery from his recent illness. It was a book planned years ago; the realisation may leave gaps to fill, but the scheme as actually achieved will certainly meet its main object, which was to give in handy form a collection of the indispensable laws, charters, writs, and acts of parliament for the illustration of constitutional movement in England from the days of Cnut until England had definitely merged her constitutional fortunes in the greater fates of the United Kingdom.

Texts only are presented, Anglo-Saxon being modernised, French given with translation *en regard*, and Latin left *in puris naturalibus*. Marginal rubrics are a very slight commentary, and a brief glossary makes the bareness of direct explanation the more obvious. But it is text only the teacher wants, text only the student needs, and the merit of the book depends on its choice of documents, and its editorial fidelity in their presentment.

Here Professor Medley's learning and experience alike have stood him in good stead, and he has brought prominently into his constitutional record-chamber a number of writs shewing the mechanism of the state in motion. Writs of summons to parliament from 1205 down to 1406, ordinances for taxation from 1188 to 1628, and a variety of proceedings regarding the military forces from the Assize of Arms in 1181 down to the Mutiny Act of 1689 make interesting and concrete the machinery of early government. A most useful feature is the collation of Magna Carta, chapter by chapter, with analogous though often in details dissimilar provisions both of earlier and later date than the 17th year of King John. Coming down much later in time than Bishop Stubbs's *Select Charters*, the collection continues the series there given with excellent types of later burghal liberties such as those of Nottingham, in 1448. One matter textually dealt with has become a question of the hour: it is that of the Coronation Oath. Representative of British constitutional evolution, to the degree the brief compass admits, Professor Medley's selection modestly takes a much needed place as a supplement and extension of Stubbs.

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DESPATCHES FROM PARIS, 1784-1790. Selected and edited from the Foreign Office Correspondence by Oscar Browning. Volume I. (1784-1787). Camden Third Series, Vol. XVI. 4to. Pp. xi, 278. London: Offices of the Society, 6 and 7 South Square, Gray's Inn. 1909.

OWING to the unfortunate illness of the editor, this Camden Society volume lacks the introduction, which is, however, to appear in the second volume now in the press. Mr. Browning edited for the Cambridge University in 1885 the Paris despatches from June 1790 until 1792, so that his present instalment resumes the study of the period a few years earlier, and is to continue it to the starting point of the previous work. The despatches from 1784 until 1787 are surprisingly uneventful viewed in relation to the explosion which one way and another was in preparation. The interest indeed is mainly domestic, shewing the financial confusion and imminence of collapse, the growing friction between the Parliament of Paris and the Court, the demand for the convening of the States General and the failure of successive expedients of taxation. It is bankruptcy everywhere threatening France. The British ambassador watches keenly all projects of commercial treaties—most jealously of all, those with Holland—and keeps a constant eye on all the naval and military designs, enterprises and movements of France. It was a period of not unfriendly, albeit far from cordial, relations. There is an interesting sort of mutual agreement to restrict armaments. In 1787 the ambassador reports an assurance from the French Court 'that there is no intention whatever to carry on any further Armaments in the Ports of this Country, but that His Most Christian Majesty means strictly à la lettre to keep pace with us and not to put to Sea or equip a single Ship more than we shall think proper to do.'

SONG GEMS (SCOTS). THE DUNEDIN COLLECTION. Compiled by James Wood. Music edited by Learmont Drysdale. Pp. xii, 192. 4to. London: The Vincent Music Co., Ltd.

So much of Scottish song is part of Scottish history that there is no need for the quasi-apology prefixed to 'yet another collection.' A scheme to diffuse in America and at home the old melodies and the old ballads and songs to which they are set, may perhaps excuse itself from the rigour of editorial exactness, and justify for the sake of euphony and possibilities of public performance those textual revisions and that curtailment inevitable when the appeal is to a public not wholly Scottish, or only remotely of that nationality. A generation which is quickly losing touch with the older form of language even at home is naturally slow to appreciate the rapidity of the changes which modernising adaptation necessarily makes. Nor is the critic's canon secure until he has decided whether the loss of an old and obscure word or phrase is not more than made up for by the gain to national tradition through the carrying on of a living song trimmed—it may be at some sacrifice—to the newer age that sings it. It is a delicate process, like

the restoration of a medieval building, and subject to the very same standard of test. Mr. Wood, where examined closely, is found free from any taint of editorial sacrilege, and gives us the old standard texts without, of course, pretence to antiquarian reediting.

The collection numbers 91 songs, of which a few, such as 'Helen o Kirkconnel,' 'My Dearie, an' thou dee,' and 'Willie's droun'd in Yarrow' are not very frequently met with in collections set to music. Burns's songs are less prominent than usual, for the same reason—the preference for the less known work since the more famous is already so secure. It is good to see the liberal allowance given to Allan Ramsay, Hogg, Tannahill, and James Ballantine, and the most jealous devotee of Burns need not grudge that for once Sir Walter has the lion's share of the honours.

The editing is as capable on the musical as on the textual side. Most of the settings are old, and they have been gently if shrewdly gone over. Some new settings by the musical editor are worthy of the excellent company they keep.

Messrs. Methuen contribute not only to the instruction, but to the entertainment of intelligent youth in publishing *Stories from Old French Romance*, by E. M. Wilmot-Buxton (cr. 8vo. pp. 119; 1s. 6d.) in which Aucassin and Nicolette, Roland and Oliver, Ogier the Dane, and the Four Sons of Aymon are up and doing once again gallantly, as the *mé tier* is.

Mr. J. G. A. Baird has issued in book-form a lecture on *Muirkirk Bygone Days* (crown 8vo, 59 pp.; Muirkirk, W. S. Smith, 1910.) To this he has added a description of the parish in 1761 by an unknown writer which originally appeared in the *Edinburgh Magazine* of that year.

The little volume is full of interest, and it contains many details concerning the parish as to church, lands, farming, and the life of its inhabitants the last three centuries. We cordially welcome all such attempts to gather together what is known of parish history, and hope Mr. Baird's example will be followed in many other districts.

Messrs. George Bell & Sons have added to Bohn's Library, as a complement to the standard edition of Swift's Prose Works, a revised edition of his poems. The work is in two volumes (pp. xxii, 351, and pp. xiv, 411; 3s. 6d. each volume), is edited by Mr. W. E. Browning, is enriched with several pieces not hitherto brought to light, and is illustrated with fuller explanatory notes. It is believed that this edition of the poems will be found as complete as it is now possible to make it.

A new and cheaper edition of Canon MacCulloch's *The Misty Isle Skye* (pp. 320; 2s. 6d. nett) has opportunely been issued by Messrs. Oliphant, Anderson & Ferrier. This book, full of interest to the traveller whether antiquarian, nature-lover, folk-lorist, ethnologist, or geologist, will be welcome to all who mean to visit Skye, who have already visited 'The Misty Isle,' or who would visit it if they could. It is illustrated with numerous well-chosen photographs.

We have to acknowledge a revised edition of *Modern Constitutions in Outline, an Introductory Study in Political Science*, by Leonard Alston, Litt.D. (pp. viii, 79; London, Longmans, Green & Co., price 2s. 6d. nett). This new edition has been largely re-written, and will prove useful to students as an introduction to the subject.

Professor W. P. Ker contributes to the Proceedings of the British Academy a paper *On the History of the Ballads, 1100-1500* (pp. 27, Oxford University Press: 1s. 6d. nett). Its central conclusion is that the ballad is a thing by itself, a poetical form capable of any theme, history, romance or idea, and that its antiquity is best proved in Denmark. His epithet 'poetical journalism' is a happy improvement on 'folk-verse'—it sensibly presupposes a journalist, the lightning which comes out of the cloud, while 'folk-verse' fails to explain how the electric cloud is discharged. The 'people' are not the authors of ballads; the 'journalists,' who are eternal, are certainly so in many cases. Often the ballad is an extract of epic or history, and as such a popularization conspicuously beneath the high literature of its source. Professor Ker pauses in his course to render a graceful tribute to the ballad-lore work of Andrew Lang. Professor Oman's paper, also in the Academy's Proceedings, *Column and Line in the Peninsular War* (pp. 22, Oxford University Press, 1s. nett) is a return to that well-beaten but inexhaustible topic, the two-deep British line as contrasted with the French column, or the *ordre mixte* of alternate battalions in line three deep and in column. It shews the development of French practice and Wellington's answering method, which increased the density of the screen of skirmishers opposed to the enemy's skirmishers, concealed the two-deep line behind the screen as long as possible, and provided for the line going forward and the skirmishers retiring immediately on the advance of the French line and column into action.

In the *English Historical Review* for April, Professor Clarence Perkins gives a general and very favourable survey of the Knights Templars in the British Islands, concluding that their unpopularity among the laity has little proof to support it, and that the downfall of the Order in England was due mainly to the initiative of the King and the Pope. Mr. H. W. C. Davis prints two curious letters, circa 1143, in the first of which Henry of Blois, Bishop of Winchester, rebukes Brian of Wallingford, who in the second makes bitter retort, and winds up with a challenge to the Bishop to prove his words 'either by battle or ordeal by a cleric or a layman.' Mr. J. C. Fox submits a pleasing chain of facts to support a presumption that the poetess Marie de France was Mary, Abbess of Shaftesbury (1181-1215), natural daughter of Geoffrey Plantagenet, and therefore sister to Henry II. That there are links wanting is true; it is invariably so in such matters; but the case looks probable.

The Viking Club's *Old Lore Miscellany* for April registers a traditional story of Paul Jones's cruise in northern waters in 1779, a text and translation of Darrad's Lay, ascribed to the eleventh century, and a notice of the Pictish tower at Salzcraggie, Helmsdale. Elaborate and

complimentary attention is paid, in a long review, to Dr. George Henderson's *Norse Influence on Celtic Scotland*.

The *Saga Book* (January) has a variety of good discussions of things Norse in Britain. Danish remains from York are described and pictured. Traces of the custom of 'suttee' in Viking burial are carefully focussed, although the evidence is very inconclusive. The story of 'Siward Digri of Northumberland' is dealt with as a Viking Saga of the Danes in England, and Dr. Axel Olrik supplies useful critical commentary on the historical place of Siward the Earl. Professor W. P. Ker briskly surveys and appreciates the early historians of Norway. Dr. Alexander Bugge presents fresh aspects of, and further analogies and material concerning, the Havelok Literature and Olaf Tryggvason's Saga.

What to many will prove a serviceable working index of northern literature is the Club's publication, a *Bibliography of Caithness and Sutherland*, by John Mowat (pp. 47, 1s. 6d.), although it records only the more important works, and does not pursue that will o' the wisp ideal, a complete list. The entry on the translation of Torfaeus, by the Rev. Alex. Pope, who died in 1782, and whose work was only printed from a transcript in 1866, mentions the discovery of the long lost original of Pope's MS. and its deposit in Wick Free Library. Has it been collated with the printed text? Many of us cherish the dumpy little volume with its variety and freshness of scholarly if old-fashioned annotation. Probably it owed its published existence in part to Joseph Anderson, who, in 1866, was editor of the *John O'Groat Journal*, where the text was first printed.

In *Notes and Queries for Somerset and Dorset* for March a short paper points out the absence in England of any remains of a representation of All Saints, and calls attention to the obligation on parishioners to provide the *imago principalis in cancello*. Lyndwood in his *Provinciale* discusses the question whether when a church was dedicated to more than one saint the parishioners were bound to provide more than one image, or none at all. Oddly enough, so rare are such representations of All Saints that the writer of the article under notice has had to go to Barcelona for an example of the image, in the shape of an altarpiece shewing Christ in glory surrounded by angels and saints, with bodies of the faithful at the base rising 'to meet the Lord in the air.' Among other transcripts in this number is a complaint by the Abbot of Glastonbury, in 1537, against one William Gybbis, gent., for hunting in two of the abbot's parks with greyhounds and bows, and adding to the injury of slaying his deer the insult of calling the abbot a knave and a churlish mangy and lecherous monk, 'with many other unfyttyng wordes whych be to shamefull to be spoken.'

Mr. H. St. George Gray has issued a *Second Interim Report on the Excavations at Maumbury Rings, Dorchester*, 1909 (pp. 23, Dorset County Chronicle Printing Works, Dorchester, 1s. nett). Among the objects found were a 'third brass' coin, circa A.D. 335, a penannular brooch of bronze, many implements of red-deer antler, much Roman pottery, and a chequered slab supposed to have been a draught board. Somewhat similar slabs were found at Cilurnum and Corstopitum.

The Berks, Bucks, and Oxon Archaeological Journal for April prints curious extracts from the churchwardens' account book, beginning in 1525, of the parish of Spelsbury, Oxfordshire. There are 'custodes luminum sanctorum,' or 'lygths kepars,' who collected for the lights. *Oves ecclesiae* are an institution shewing that sheep were a form of investment in vogue for church funds. Among items of receipt in 1559-1622 are 'smoake farthings'—evidently a small rate per house, and mention is made in 1586-88 of 'muney levied by the yard-land.' Such entries reveal the importance of minor antiquities, for they contribute to the constitutional history of domestic institutions.

The *Rutland Magazine* (April) illustrates Roman and Anglo-Saxon finds at Market Overton, including pottery, beads, swords, and coins. A good representation of the Vernatti family portraits is also given.

In the *Modern Language Review* for April an article by Mr. James W. Holme on the Italian courtesy-books will interest many for its incidental proof of the importance of Castiglione's *Cortegiano* as a renaissance mid-link in the passage from the chivalric conception of knight-hood to that of the courtier and gentleman. The claims of birth and arms as against 'virtue' and letters gave fine matter of debate throughout the sixteenth century, and Mr. Holme's survey of the literature tracks in pleasing detail a discussion worthy of the theme. In its course it illustrates the place taken by Aristotle, Seneca, Cicero and Ovid in determining the newer canons in a revisal of the idea of civilization.

The Home Counties Magazine for March, amid its variety of antiquarian matter of south-eastern England, has a set of pictures of royal statues in London which stand in the open, beginning with Boadicea and Alfred, and coming down to Queen Anne. Interest attaches to Mr. W. H. W. Powell's article on Judge Jeffreys, including a series of hitherto unprinted letters, besides a copy of the portrait by Kneller, *circa* 1679. This shows the then Recorder of London as an even more attractive-looking person than Robespierre was when his career was still young. The text of a Star Chamber case in 1503 shows a lively dispute between the Vicar of St. Pancras and the hermit of St. Michael, Highgate, in course of which the hermit's paling was broken down, and the hermit himself fled for safety 'into the stepill of his said heremytage.'

In *The Juridical Review* for May, Mr. G. D. Valentine, assailing the new theme 'The Air—a realm of law,' makes interesting historical applications of the Digest, Grotius, Stair, and the Hague Conference.

Scotia for Whitsunday, in its mixture of Scottish picture, verse, description and commentary, has a paper on Bruce's castle of Cardross, with a suggestion for an exploratory digging at the site on the Castlehill, near Dumbarton.

The Ulster Journal of Archaeology for November last publishes records of the Volunteer movement in Ireland from 1779 until 1793, when the Lord-Lieutenant had to forbid the assembling of armed bodies. A paper on the

Doagh Book Club, County Antrim, established 1770, shows that in 1798 not even a library could escape the consequence of civil broils. A party of yeomen is declared to have attacked and destroyed the club's collection, kicked Gibbon's *Decline and Fall* into the street, and spared from its fury only Robertson's *Charles the Fifth*. Happily, however, the club had a spirit above its misfortunes, and speedily the library rose again out of its wreckage. Can any like institution in England, Wales, or Scotland boast such bibliographic adventures?

In the *American Historical Review* for April, Professor J. F. Baldwin begins a weighty study, well supported by record citations from MSS., on the rise of the English Court of Chancery out of the King's Council, and shows how by degrees under Edward III. it came to be recognized as an authority apart from the Council. Another British item of great interest in this number is the text of a letter by the Marquis of Rockingham, on 28th September, 1779, recording the receipt of news from Hull, 'stating the Alarm they were in from the Appearance of Paul Jones and his Squadron off the Mouth of the Humber, and also representing the defenceless State in which the Gentlemen and Merchts of Hull considered the Town and Shipping.' The letter mentions the capture, by the redoubtable Paul, of the *Serapis*, a 44-gun frigate, and the *Countess of Scarborough*, an armed vessel carrying 20 guns, only 5 of which were available for a broadside. The Marquis concludes his report hopefully with news of the despatch of one frigate of 36 guns, one of 28, an armed ship of 40, and three sloops of 16 guns each, and of their standing out to sea past Spurn Head northward in pursuit.

In the *Iowa Journal* for January some pages are given to a discussion of the Kensington Rune Stone, alleged to have been found in 1898 in Minnesota, and containing a record of an expedition of Goths and Norwegians journeying 'from Vineland' in 1362. One would like to hear more of the debate on its authenticity held by Wisconsin and Minnesota professors and archaeologists, but the mark of Bill Stumps seems *prima facie* exceeding plain. The number for April prints several letters in 1838-39 at once pungent and in their way academic in the dispute between the Secretary and the Council and Governor of the State of Iowa over a resolution about a departmental supply of pen-knives! It involved in its sequels the seizure of the Great Seal of Iowa by Governor Lucas, against whom Secretary Conway made eloquently vociferous and constitutional complaints to the President of the United States. An article on 'Proposed Amendments to the Constitution' deals interestingly with the history of suggestions adopted or debated from 1857 until 1909 in the State legislature. Amongst them woman's suffrage appears to have had a constantly sympathetic reception. Large space is perforce devoted to the liquor law, on which there is a record of long controversy ending in temporary victory but ultimate overthrow of prohibition in the State.

In the *Revue Historique* (Mai-Juin) there is concluded a large study by M. Lucien Febvre on excommunication for debt in Franche-Comté,

freely illustrating the extreme vexations and distresses which such an institution, rigorously used, could not fail to produce, and shewing how, at the instance of moneylenders and other usurious creditors, as many as 50,000 persons were in 1570 to 1575 reported as under excommunication in one diocese at one time. A minor criticism notices a fact of great interest in literary history, an interest which must reflect itself in Scotland. Joachim du Bellay's *Défense et illustration de la langue française*, published in 1549, is well known to French literature as a patriotic plea for the vernacular, and has in some respects a most suggestive analogue in the *Complaynte of Scotland*, printed—it is believed, in France—also in 1549. The *Complaynte*, although an essentially Scottish pamphlet in its keen manifestation of national spirit and sentiment, was in 1898 discovered by Dr. W. A. Neilson to be largely a direct translation of Alain Chartier's *Quadrilogue Invectif*, applying to the meridian of Scotland the sprightly argument devised long before as an invective appeal to Frenchmen against the English, not yet expelled from France. Now we learn from a notice in the *Revue Historique* that Monsieur P. Villey, a distinguished exponent of Montaigne, has discovered 'that the famous *Défense* of Du Bellay is in great part not only an imitation but a transcription of the *Dialogo delle lingue* of Sperone Speroni, published at Venice in 1542, in which what Speroni says of Italian is applied to French.' Whether there is more than a coincidence in these curious facts relative to the *Défense* and the *Complaynte* may be a problem worth future discussion.

In the *Revue des Études Historiques* (March-April), Mons. C. Faure concerns himself with the *Règlement du Collège de Vienne en 1550*, and gives a résumé from hitherto unpublished documents in the Archives of Vienne of the regulations drawn up in that year by Germain Damas, Principal of the College. It is interesting to compare this summary with other contemporary regulations of a like kind, especially with those of Grenoble (mentioned by M. Faure) and also of the Collège de Guienne at Bordeaux, with both of which the Vienne arrangements have closer analogies than with those of the colleges in Paris, although it is the latter which are referred to in the text as a model. Very considerable changes were going on about the middle of the sixteenth century in educational matters, and the influence of the Humanists was making itself apparent everywhere; so that there are some interesting points of difference between the Vienne rules and those of, say St. Barbe, a few years earlier.

The College at Vienne had recently passed from the hands of the Church under Municipal direction, where it remained only until the end of the century, when it was taken over by the Jesuits. It is noticeable that the regulations of 1550 arranged for very close supervision of the College by the Municipality as regards both the bodily and mental sustenance provided; the principal's office in many colleges having been frequently abused for private ends. The regents also were to be paid directly from public funds, and not, as of old, by the students themselves: which latter plan led often to difficulties between principal and regents. The principal's power was better safeguarded in various ways. Strict rules were made in regard to food,

clothing, and cleanliness (the last a very necessary proviso at the time). Unfortunately, no details are given as to 'les bons livres et les bons auteurs,' used by the regents in teaching. Probably Buchanan's translation of Linacre's Grammar would be one, as it passed through seven editions before the end of the century. The Règlement of Vienne, though it maintains much of the severity of the older colleges, gives good promise that the worst abuses complained of so bitterly by Erasmus, Montaigne, Buchanan, and many others, were being recognized and rectified.

To the issues of *Archivum Franciscanum Historicum* for January and April Father Theophilus Witzel contributes a paper on 'Roger Bacon and his views regarding Biblical studies' (*De Fr. Rogero Bacon eiusque sententia de rebus biblicis*). An interesting résumé is given of the difficulties with which this 'modernist' of medieval times had to contend, and of the full mental equipment for Biblical criticism considered by him needful. Father Witzel intends to return to the subject at a future time.

Among the *Documenta* in the January issue we observe an article on the *Ceremoniale Ord. Minorum Vetustissimum*, treating of liturgical changes and improvements initiated by the Franciscan Order in the thirteenth century, and giving the text—carefully collated—of a MS. (British Museum, N. 21,155) of ordinances for the celebration of Divine service. This MS., which belonged to the Italian Observants, is assigned to the middle of the fifteenth century.

Father Golubovich in the issue for April brings forward contemporary evidence of the injustice of the estimate which Dante formed of the character of Count Guido da Montefeltro, who comes before us in Canto xxvii. of the *Inferno*. The Count, it will be remembered, is placed among the evil counsellors in the fiery torments of the eighth chasm. From a chronicle of the first half of the fourteenth century (*Cod. Bibl. Nat. Paris. lat. 5006*) it appears that this warrior, who joined the Order of Friars-Minor in his latter years, was noted among them for his sanctity, insomuch that 'many nobles came from a distance to see and converse with him, and went away much comforted and edified.' He died at Ancona on his way as a pilgrim to the Holy Land. Evidently a much-maligned saint!

Communication

BURNSWORK AND BRUNANBURH. Dr. Neilson's solution of the long-debated problem of Brunanburh in the October number of this *Review* (*S.H.R.* vii. 37) invites the careful examination of all serious students of history. Dr. Neilson bases his very definite conclusions on two main sources of evidence: I. The story of St. John of Beverley, as given by William Kettle and revised by a later writer; and II. Upon the topographical indications of the *Egla* or Egil's Saga, claiming this last as until now unrecognized evidence, and ignoring the detailed discussion of Vinheið and Brunanburh in Skene's *History of Celtic Scotland* as far back as 1876.

I. First, then, in reference to the evidence procured from the story of St. John of Beverley, is Dr. Neilson not in error in connecting Athelstan's visit to Beverley with the campaign which closed at Brunanburh? There is a consensus of evidence from many of the English Abbey Chronicles as well as from the Anglo-Saxon Chronicles to the effect that years before the Battle of Brunanburh Athelstan had trouble with the Scots King Constantine, and that somewhere about the year 933-4 Athelstan collected a large force by land and sea (*Rex vero cum maximum congregasset exercitum, terra marique impios expugnaturus progreditur. Miracula S. Joh. Episc. Ebor.*),¹ and invaded Scotland. Similarly, in the Chronicle of Bridlington, we read how 'Anno nongentes° xxx° tercio' Athelstan 'cum multo exercitu Scociam tendens maxima vi hostes subegit et Scociam usque Dunfoð vastavit,' and that 'Rex Constantinus filium suum obsidem illi dedit . . . Rex Anglicus recessit.'² This account of the invasion of Scotland by Athelstan is repeated by the Chronicler Martin Scot of Gloucester Abbey. In this entry also reference is made to the fleet accompanying the King. The Chronicler of Malmesbury³ gives an account of the English King's expedition, making no mention of the fleet; but refers to the King's visiting 'Dumbar' (Dunbar?) which might or might not be the place referred to previously in the Bridlington Chronicle as Dunfoð. Now these accounts of King Athelstan's invasion of Scotland in 933 are confirmed by—or possibly founded on—the entry in the Anglo-Saxon Chronicle, which under that date—as also that of 934—says 'King Athelstan went into Scotland with both a land force and a ship force, and ravaged a great part of it.'⁴

¹ Raine, *Hist. of the Church of York*, etc., p. 263.

² Palgrave, *Scotland, Documents and Records*, l. pp. 60-61.

³ *Ibid.*

⁴ *Anglo-Saxon Chronicle*, translated by Benjamin Thorpe, vol. ii. p. 85.

Upon these evidences no less an authority than Dr. Earle accepts this expedition against Scotland as the occasion of Athelstan's visit to Beverley, and remarks that 'the vexed question of the site of the Battle (of Brunanburh) has been needlessly complicated by the introduction of the consideration of Athelstan's gifts to Beverley and St. Cuthbert. These belong to the campaign, not of Brunanburh, but of 934,'¹ that is, to the expedition against Scotland already referred to. Moreover, it will be noticed that the Chronicle of Beverley makes no mention of any other foe than Constantine, nor gives the name of any special battle fought between them, yet other Chroniclers agree that no such bloody battle as that of Brunanburh was ever fought in this island before, so that had it been fought on this occasion one might suppose the Chronicle of Beverley would have recorded such an exceptional historical event.

II. Turning next to the supplementary evidence adduced by Dr. Neilson from the Egil's Saga, what do we get? According to Dr. Neilson, 'it is in several *topographical particulars* that Egil's Saga brings the most startling and decisive, though until now unrecognized evidence to bear on the problem of the site of Brunanburh.' What, then, does Egil relate of the conditions of the fight at Finnsberg? According to the translation of Mr. Green—authorized and adopted by Dr. Neilson—the account of the situation of Vin-heið was as follows: 'North of the hill (heath) stood a borg (town). There in the borg (town) King Olaf quartered him, and there had the greatest part of his force, because there was a wide district round, which seemed to him convenient for the bringing in of such provisions as the army needed. But he sent men of his own up to the hill (heath), where the battlefield was appointed; these were to take camping ground and make all ready before the army came. But when the men came to the place where the field was enhazelled, there were all the hazel poles set up to mark the ground where the battle should be. *The place ought to be chosen level, and whereon a large host might be set in array. And such was this, for in the place where the battle was to be the heath was level, with a river flowing on one side and on the other a large wood. But where the distance between the wood and the river was least (though this was a good long stretch) there King Athelstan's men had pitched, and their tents quite filled the space between the wood and the river. . . . Athelstan's men said their tents were all full, so full that their people had not nearly room enough. But the front row of tents stood so high that it could not be seen over them whether they stood many or few in depth. . . . King Olaf's men pitched north of the hazel poles, towards which side the ground sloped a little.*'²

Leaving for the moment out of consideration the interpretation to be placed on the words 'borg' (or 'burh') and 'heið'—which, for the sake of fairness, I have placed in the text with their double interpretation—though both Skene and Green translate Vin-heið as Vin-heath, I would ask

¹ *Vide Two Saxon Chronicles*—Earle and Plummer, 1899, vol. ii. notes pp. 138, 139, 140.

² Skene, *History of Celtic Scotland*; Green, *Translation of the Egil Saga*, 1893.

if in all this account there is any suggestion of the battlefield being 'enhazelled' upon the *top of a hill*. It appears to the writer that the only special elevations expressly mentioned are the 'borgs' north and south of the 'heath,' and also that portion of the ground upon which Olaf's men had encamped 'towards which side the ground sloped a little.' This is the only sentence in which there is any indication of the ground being anything but *level*—which, by the rules of the contest, it was bound to be. Had there been any *intervening* 'borg,' such as Dr. Neilson's theory of Burnswork hill suggests, upon whose tabular summit the battle was to be fought, it would have been more clearly indicated. I think Dr. Neilson has misread the account of the building of Athelstan's tents—as indicating that their tents were pitched upon a hill side. The words 'stood so high,' I venture to submit refer merely to the height of their building, not of their site. It must be obvious that had these tents been built on the upward slope of a hill their numbers could not have been concealed from the view of those standing below them. Similarly, if they had been built on the crest of a hill that had a backward slope, they would have been equally discernible from the front row of tents. What is intended in the description is, surely, that they were built upon the level ground in such a manner that the height of those in the first row blocked from view all those that lay behind, so that their numbers could not even be guessed at.

Apart from the somewhat forced interpretation of 'heið' as 'hill,' there is nothing in the description given by Egil to indicate anything further than that the battle of Vinheið was fought on a large level heath, bounded both north and south by a fortification or hilly-township, and on the other sides, east and west, by a wood and a river respectively; and that the only part of the heath which was not flat was toward the north side, *where the ground sloped a little*. But the word 'burh' or 'borg' is given in the glossary of Dr. Earle¹ in its three forms of burg, burh, buruh—a fort, a walled town, 'borough'; and in Dr. Earle's translation of the 'Song of Beowulf' the word 'burg' or 'burh' is invariably rendered 'town' or 'city,' a meaning which is fully borne out by the context in every case.²

But to come to more precise details, as suggested by the evidence of a writer in whom Dr. Neilson places such confidence—*What was the distance between the camps of Olaf on the north 'borg' and of Athelstan on the 'borg' that lay to the south of the heath?* Leaving on one side the evidence as to the time taken by the messengers who plied between King Olaf on the north and King Athelstan on his advance towards the borg, I will only take the evidence of time of journeying between Olaf at his stationary camp and Athelstan after he had come into the borg, south of the heath. For this journey the messengers again asked of King Olaf their former allowance of three days for what was apparently a tiring journey, one to go, one to stay, and one to return, and on this embassy it is remarked that they 'ride all together,' Olaf's men and Athelstan's. But Athelstan was in a hurry to reply, and reaching him on the evening of the

¹ *Two Saxon Chronicles*.

² *Vide Beowulf*, Thorpe, 1855, lines 105, 1050, 2402, 1390, 1048, 2258, etc.

first day, probably about sunset, he granted them no time to rest, but ordered them to return forthwith to King Olaf. 'At once that same evening the messengers turned back on their way and came to King Olaf about midnight.'

Upon this evidence, the north and south borgs were, *on the very least computation*, some hours of riding apart. But what of Dr. Neilson's map of Burnswark? The whole measurement from the extreme rear of the north borg to the extreme rear of the south borg, which he would have us suppose are the respective camps of Olaf and of Athelstan, is a distance of just about 600 yards. At most it is one-third of a mile. Here Dr. Neilson is on the horns of a dilemma, and he must either discard his own theory of Burnswark, or discard the 'trustworthy' evidence of Egil upon which that theory is built up.

But this is not the only internal evidence from Egil's Saga as to the distance between the camps—or at least between their outposts, for, in the account of the midnight council between Olaf and his Earls we are told that Earl Adils advised the King that he, the Earl, and his brother should ride forward that very night with their troop to make a dash upon Athelstan's men in the other borg, *yet* it was not till day dawned that Therolf's sentries on the English side saw the army of Adils approaching. But, according to the ordnance survey map given by Dr. Neilson, such an advance, even had it worked to the rear of the southern borg, could not have occupied more than one hour—for at the most (taking the measurements of the Burnswark survey) it would not have had more than a mile to go. If the reliance is to be placed upon Egil which Dr. Neilson desires us to have, there is much room for doubt that the north and south fortifications of Burnswark Hill—only separated by a few hundred yards—were the 'borgs' of the Egil Saga.

Finally, it must be urged that not merely is the whole argument for the Battle of Brunanburh having been fought so far north as at Burnswark historically improbable, but that it is contrary to the internal evidence of the Chroniclers who record it, and even against that of the Egil Saga. Accepting, as I do, Dr. Neilson's 'natural inference of a west coast junction spot for Irish, Cumbrians, and Scots,' I nevertheless regard it as absurd to suppose that the battle of Brunanburh was fought almost at the very spot of supposed junction, as is suggested in a fight north of the Solway. The Scots, Welsh, and Danes were the aggressors, they were invading England, and their object was to harry and waste the enemy's country, not to draw him into their own. After defeating the Earls Gudrek and Alfgeir, they would naturally march southwards. We are told that they ravaged Northumbria, and the Malmesbury Chronicler expressly says that Constantine with Anlaf '*jam insultante multum in angliam processerat*'¹ before the King met them at 'Brenfeld.' Similarly, the Anglo-Saxon Chronicle relates how—after the battle—the aged King Constantine 'came by flight to his country North,'² which he would not have needed to do had he been

¹ Palgrave, xxxii. pp. 111-112.

² *A.S. Chron.*, translated by B. Thorpe.

already on his own side of the Solway. And what does the 'trustworthy' Egil say? In the first place, he tells us that Olaf 'marched upon England' and 'subdued all Northumberland.' Again, 'when Athelstan heard that so mighty a host *was come into his land* . . . he summoned his forces.' And, again, we learn that it was 'bruited about Olaf King of Scots had won a victory *and subdued under him a large part of England.*' And did not Egil on his return from the Council admit that 'He holds, this foe of England, Northumbria's humbled soil.' What else too are we to make of Athelstan's offers to King Olaf begging him 'to go home to Scotland,' of his second and final reply that he would give Olaf leave 'to go home to Scotland with his forces,' after he had restored 'all the property that he had wrongfully taken *here in the land*'?

After reading Dr. Wilson's interesting note in this *Review* (*S.H.R.* vii. 212), I am in accord with his conclusion that the 'Epic of Brunanburh is elastic enough for diverse geographical adaptation,' and that 'the mere jingle of place names is as treacherous as a friar's lantern.' My object has been not to show where Brunanburh was fought, but to point out that all historical probability is against it having been fought where Dr. Neilson insists it was. But if Egil's evidence is worth anything we may, I think, take it that, in fixing the meeting-place at Vinheið by Vinwood, Athelstan was suggesting a place characterized by strongly marked geographical features, a place well known by and accessible to both parties—a place, moreover, close to the furthest point south reached by the invaders. For this reason alone, apart from those previously urged, I find the theory of Burnswork untenable.

ALICE LAW.

Miss Law glides past, or round, certain facts (1) that the evidence for the 933 campaign places it in the northeast of Scotland, whereas the battle in the Beverley story is in the southwest, near the *vadum Scotorum* or Solway; (2) that Simeon of Durham uses the name 'Brunanwerch' for the field, and that Gaimar calling it 'Bruneswerce' rather appears to locate it *en Escoce*; and (3) that the Beverley story (which, by the way, is printed in *Foedera* (1727) ii. 567) explicitly makes the invading Scottish host retreat from the south side to the north side of the Solway,—then probably a much vaguer frontier line than it became. Miss Law errs in saying that I 'authorised and adopted' Green's translation,—especially of 'borg' as 'town'—and that I have any theory of an 'intervening borg.' The two 'borgs,' I maintained, were 'fortified enclosures'—presumably trenched—which evidently were unoccupied and available for quarters for the armies at the rendezvous of the challenge of duel or battle. One borg was under the 'heath'; from the other men were sent 'up' to it; the 'heath' was between, and above, the 'borgs'; as such it must have been a plateau. The variant MS. readings of 'haed' (hill) for 'heid' (heath) being in the Icelandic texts and not in Green's translation, have failed to attract Miss Law's attention. Such readings are not to be got rid of by calling them 'forced interpretations.' That the two 'borgs' were near each other and both close to the 'heath' (notwithstanding possible confusions in a later

passage) seems reasonably certain, because the 'heath' was a rendezvous, and, obviously from the context, both borgs were at the place of meeting.

I owe and would humbly and handsomely tender apologies for overlooking learned arguments for Burnswork, long forestalling mine of 1899. It gives me pleasure now to do homage to them : they not a little strengthen the conclusion, coming as they do from such scholars as Dr. Hodgkin, whose claim to the proposition goes back to 1885, and Mr. W. H. Stevenson, who supported it in 1891 after giving the subject much special study. My recent correspondence shews that others not less distinguished regard the contention and my share of it with kindness and favour. The latest advocate of the case for Burnswork appears to be Professor Oman (see *Athenaeum*, 18th June). The after-confirmation of earlier opinions by later data has usually been regarded as of the utmost weight in evidence, and such a confirmation has come by interpreting Egil's north and south 'borgs' as the north and south camps on Burnswork Hill.

GEO. NEILSON.

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